

(DHCD staff note: Below is the language which was approved conceptually by the Board of Housing and Community Development at its May 17, 2004 meeting to become the proposed regulation for the 2003 USBC. The complete proposed regulation is still under development and will not become official until published in the Virginia Register. This document is being made available to our client groups to facilitate the coordination of code change proposals and for preliminary review of format and text changes as it may take several months to get the proposed regulation published.)

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DEVELOPMENT OF THE 2003 BUILDING AND FIRE REGULATIONS

STAFF RECOMMENDATION FOR THE BASE DOCUMENT OF THE
VIRGINIA UNIFORM STATEWIDE BUILDING CODE

(13 VAC 5-62 is replaced with 13 VAC 5-63 due to the reformatting necessary to create the Virginia Rehabilitation Code. Text is new but not shown underlined)

PART I.
CONSTRUCTION.

13 VAC 5-63-10. Chapter 1 Administration; Section 101 General.

13 VAC 5-63-20. Section 101.1 Short title. The Virginia Uniform Statewide Building Code, Part I, Construction, may be cited as the Virginia Construction Code or as the USBC.

13 VAC 5-63-30. Section 101.2 Incorporation by reference. Chapters 2 – 35 of the 2003 International Building Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the USBC. The term “IBC” means the 2003 International Building Code, published by the International Code Council, Inc. Any codes and standards referenced in the IBC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference. In addition, any provisions of the appendices of the IBC specifically identified to be part of the USBC are also considered to be part of the incorporation by reference.

Note 1: The IBC references the whole family of International Codes including the following major codes:

- 2003 International Plumbing Code
- 2003 International Mechanical Code
- 2003 ICC Electrical Code (which in turn references the 2002 National Electrical Code)
- 2003 International Fuel Gas Code
- 2003 International Energy Conservation Code
- 2003 International Residential Code

Note 2: The International Residential Code is applicable to the construction of detached one- and two-family dwellings and townhouses as set out in Section 310.

13 VAC 5-62-40. Section 101.3 Numbering system. A dual numbering system is used in the USBC to correlate the numbering system of the Virginia Administrative Code with the

numbering system of the IBC. IBC numbering system designations are provided in the catch-lines of the Virginia Administrative Code sections. Cross references between sections or chapters of the USBC use only the IBC numbering system designations. The term “chapter” is used in the context of the numbering system of the IBC and may mean a chapter in the USBC, a chapter in the IBC or a chapter in a referenced code or standard, depending on the context of the use of the term. The term “chapter” is not used to designate a chapter of the Virginia Administrative Code, unless clearly indicated.

13 VAC 5-63-50. Section 101.4 Arrangement of code provisions. The USBC is comprised of the combination of (i) the provisions of Chapter 1, Administration, which are established herein, (ii) Chapters 2 – 35 of the IBC, which are incorporated by reference in Section 101.2, and (iii) the changes to the text of the incorporated chapters of the IBC which are specifically identified. The terminology “changes to the text of the incorporated chapters of the IBC which are specifically identified” shall also be referred to as the “state amendments to the IBC.” Such state amendments to the IBC are set out using corresponding chapter and section numbers of the IBC numbering system. In addition, since Chapter 1 of the IBC is not incorporated as part of the USBC, any reference to a provision of Chapter 1 of the IBC in the provisions of Chapters 2 - 35 of the IBC is generally invalid. However, where the purpose of such a reference would clearly correspond to a provision of Chapter 1 established herein, then the reference may be construed to be a valid reference to such corresponding Chapter 1 provision.

13 VAC 5-63-60. Section 101.5 Use of terminology and notes. The term “this code,” or “the code,” where used in the provisions of Chapter 1, in Chapters 2 – 35 of the IBC or in the state amendments to the IBC means the USBC, unless the context clearly indicates otherwise. The term “this code,” or “the code,” where used in a code or standard referenced in the IBC means that code or standard, unless the context clearly indicates otherwise. The use of notes in Chapter 1 is to provide information only and shall not be construed as changing the meaning of any code provision. Notes in the IBC, in the codes and standards referenced in the IBC and in the state amendments to the IBC may modify the content of a related provision and shall be considered to be a valid part of the provision, unless the context clearly indicates otherwise.

13 VAC 5-63-70. Section 101.6 Order of precedence. The provisions of Chapter 1 of this code supercede any conflicting provisions of Chapters 2 – 35 of the IBC and any conflicting provisions of the codes and standards referenced in the IBC. In addition, the state amendments to the IBC supercede any conflicting provisions of Chapters 2 – 35 of the IBC and any conflicting provisions of the codes and standards referenced in the IBC. Further, the provisions of Chapters 2 – 35 of the IBC supercede any conflicting provisions of the codes and standards referenced in the IBC.

13 VAC 5-63-80. Section 101.7 Administrative provisions. The provisions of Chapter 1 establish administrative requirements, which include but are not limited to provisions relating to the scope of the code, enforcement, fees, permits, inspections and disputes. Any provisions of Chapters 2 – 35 of the IBC or any provisions of the codes and standards referenced in the IBC which address the same subject matter to a lesser or greater extent are deleted and replaced by the provisions of Chapter 1. Further, any administrative requirements contained in the state amendments to the IBC shall be given the same precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2 – 35 of the IBC or of the codes and standards referenced in the IBC are specifically identified as valid

administrative requirements in Chapter 1 of this code or in the state amendments to the IBC, then such requirements are not deleted and replaced.

Note: The purpose of this provision is to eliminate overlap, conflicts and duplication by providing a single standard for administrative, procedural and enforcement requirements of this code.

13 VAC 5-63-90. Section 101.8 Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid.

Note: The order of precedence outlined in Section 101.6 may be determinative in establishing how to apply the definitions in the IBC and in the referenced codes and standards.

13 VAC 5-63-100. Section 102 Purpose and Scope.

13 VAC 5-63-110. Section 102.1 Purpose. In accordance with Section 36-99 of the Code of Virginia, the purpose of the USBC is to protect the health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be constructed at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged.

13 VAC 5-63-120. Section 102.2 Scope. This section establishes the scope of the USBC in accordance with Section 36-98 of the Code of Virginia. The USBC shall supercede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies. This code also shall supersede the provisions of local ordinances applicable to single-family residential construction that (a) regulate dwelling foundations or crawl spaces, (b) require the use of specific building materials or finishes in construction, or (c) require minimum surface area or numbers of windows; however, this code shall not supersede proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, conditions imposed upon a clustering of single-family homes and preservation of open space development through standards, conditions, and criteria established by a locality pursuant to subdivision 8 of Section 15.2-2242 of the Code of Virginia or subdivision A 12 of Section 15.2-2286 of the Code of Virginia, or land use requirements in airport or highway overlay districts, or historic districts created pursuant to Section 15.2-2306 of the Code of Virginia, or local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program.

Note: Requirements relating to functional design are contained in Section 103.11 of this code.

13 VAC 5-63-130. Section 102.2.1 Invalidity of provisions. To the extent that any provisions of this code are in conflict with Chapter 6 of Title 36 of the Code of Virginia or in conflict with the scope of the USBC, those provisions are considered to be invalid to the extent of such conflict.

13 VAC 5-63-140. Section 102.3 Exemptions. The following are exempt from this code:

1. Equipment and related wiring installed by a provider of publicly regulated utility service or a franchised cable television operator and electrical equipment and related wiring used for radio, broadcast or cable television, telecommunications or information service transmission. Such exempt equipment and wiring shall be under the ownership and control of the service provider or its affiliates and shall be located on either public rights of way or private property for which the service provider has rights of occupancy and entry; however, the structures, including their service equipment, housing or supporting such exempt equipment and wiring shall be subject to the USBC. The installation of equipment and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.

2. Manufacturing and processing machines, including all of the following service equipment associated with the manufacturing or processing machines.

2.1. Electrical equipment connected after the last disconnecting means.

2.2. Plumbing piping and equipment connected after the last shutoff valve or backflow device and before the equipment drain trap.

2.3. Gas piping and equipment connected after the outlet shutoff valve.

3. Parking lots and sidewalks, which are not part of an accessible route.

4. Recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps, and similar equipment when such equipment is not regulated by the VADR.

5. Industrialized buildings; except, the applicable requirements of this code affecting site preparation, footings, foundations, proper anchoring and utility connections of the unit remain in full force and effect, including requirements for issuing permits and certificates of occupancy.

6. Manufactured homes; except, the applicable requirements of this code affecting site preparation, skirting installation, footings, foundations, proper anchoring and utility connections of the manufactured home remain in full force and effect, including requirements for issuing permits and certificates of occupancy.

7. Farm buildings and structures, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (Section 35.1-11 et. seq.) of Title 35.1 of the Code of Virginia. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.

13 VAC 5-63-150. Section 103 Application of Code.

13 VAC 5-63-160. Section 103.1 General. In accordance with Section 36-99 of the Code of Virginia, the USBC shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein.

13 VAC 5-63-170. Section 103.2 When applicable to new construction. Construction for which a permit application is submitted to the local building department after insert effective date shall comply with the provisions of this code, except when construction documents for proposed construction were substantially complete prior to the above date and a permit application is submitted to the building official within one year after the above date. In such cases, construction shall comply with either the provisions of this code or the provisions of this code in effect immediately prior to insert effective date. This provision shall also apply to subsequent amendments to this code based on the effective date of such amendments. In addition, when a permit has been properly issued under a previous edition of this code, this code shall not require changes to the approved construction documents, design or construction of such a building or structure, provided the permit has not been suspended or revoked.

13 VAC 5-63-180. Section 103.3 Change of occupancy. No change shall be made in the existing occupancy classification of any structure when the current USBC requires a greater degree of structural strength, fire protection, means or egress, ventilation or sanitation. When such a greater degree is required, the owner or the owner's agent shall make written application to the local building department for a new certificate of occupancy and shall obtain the new certificate of occupancy prior to the use of the structure under the new occupancy classification. When impractical to achieve compliance with this code for the new occupancy classification, the building official shall issue modifications upon application and as provided for in Section 106.3.

Exception: This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

13 VAC 5-63-190. Section 103.4 Additions. Additions to buildings and structures shall comply with the requirements of this code for new construction and an existing building or structure plus additions shall comply with the height and area provisions of Chapter 5. Further, this code shall not require changes to the design or construction of any portions of the building or structure not altered or affected by an addition, unless the addition has the effect of lowering the current level of safety.

Exception: This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

13 VAC 5-63-200. Section 103.5 Reconstruction, alteration or repair. The following criteria is applicable to reconstruction, alteration or repair of buildings or structures provided the reconstruction, alteration or repair does not adversely affect the performance of the building or structure, cause the building or structure to become unsafe or lower existing levels of health and safety.

1. Parts of the building or structure not being reconstructed, altered or repaired shall not be required to comply with the requirements of this code applicable to newly constructed buildings or structures.
2. The installation of material or equipment, or both, that is neither required nor prohibited shall only be required to comply with the provisions of this code relating to the safe installation of such material or equipment.

3. Material or equipment, or both, may be replaced in the same location with material or equipment of a similar kind or capacity or of greater capacity.

Exception: This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

13 VAC 5-63-210. Section 103.6. Use of rehabilitation code. Notwithstanding any requirements of this code to the contrary, compliance with Part II of the Virginia Uniform Statewide Building Code, also known as the “Virginia Rehabilitation Code,” shall be an acceptable alternative to compliance with this code for the rehabilitation of existing buildings and structures.

13 VAC 5-63-220. Section 103.7. Retrofit requirements. The local building department shall enforce the provisions of Section 3411, which require certain existing buildings to be retrofitted with fire protection systems and other safety equipment. Retroactive fire protection system requirements contained in the International Fire Code, including but not limited to such requirements in Sections 903, 905 and 907, shall not be applicable unless required for compliance with the provisions of Section 3411.

13 VAC 5-63-230. Section 103.8 Non-required equipment. The following criteria for non-required equipment is in accordance with Section 36-103 of the Code of Virginia. Building owners may elect to install partial or full fire alarms or other safety equipment that was not required by the edition of the USBC in effect at the time a building was constructed without meeting current requirements of the code, provided the installation does not create a hazardous condition. Permits for installation shall be obtained in accordance with this code. In addition, as a requirement of this code, when such non-required equipment is to be installed, the building official shall notify the appropriate fire official or fire chief.

13 VAC 5-63-240. Section 103.9 Equipment changes. Upon a change in the fuel source involving the installation of new equipment or appliances including but not limited to water heaters, water heaters or boilers, where not inspected by the local building department, persons performing such changes or installations shall certify to the building official that the flue liner of the chimney is operable, free of obstructions or blockages and properly sized for the connected appliances and that the such changes or installations meet applicable requirements of this code.

13 VAC 5-63-250. Section 103.10 Use of certain provisions of referenced codes. The following provisions of the IBC and of other indicated codes or standards are to be considered valid provisions of this code. Where any such provisions have been modified by the state amendments to the IBC, then the modified provisions apply.

1. Special inspection requirements in Chapters 2 – 35.
2. Chapter 34, Existing Structures, except that Section 3410, Compliance Alternatives, shall not be used to comply with the retrofit requirements identified in Section 103.7 and shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

3. Testing requirements and requirements for the submittal of construction documents in any of the ICC codes referenced in Chapter 35.

4. Section R301.2 of the International Residential Code authorizing localities to determine climatic and geographic design criteria.

13 VAC 5-63-260. Section 103.11 Functional design. The following criteria for functional design is in accordance with Section 36-98 of the Code of Virginia. The USBC shall not supercede the regulations of other state agencies which require and govern the functional design and operation of building related activities not covered by the USBC including but not limited to (i) public water supply systems, (ii) waste water treatment and disposal systems, (iii) solid waste facilities. Nor shall state agencies be prohibited from requiring, pursuant to other state law, that buildings and equipment be maintained in accordance with provisions of this code. In addition, as established by this code, the building official may refuse to issue a permit until the applicant has supplied certificates of functional design approval from the appropriate state agency or agencies. For purposes of coordination, the locality may require reports to the building official by other departments as a condition for issuance of a building permit or certificate of occupancy. Such reports shall be based upon review of the plans or inspection of the project as determined by the locality. All enforcement of these conditions shall not be the responsibility of the building official, but rather the agency imposing the condition.

Note: Identified state agencies with functional design approval are listed in the "Related Laws Package" which is available from DHCD.

13 VAC 5-63-270. Section 103.12 Amusement devices and inspections. In accordance with Section 36-98.3 of the Code of Virginia, to the extent they are not superceded by the provisions of Section 36-98.3 of the Code of Virginia and the VADR, the provisions of the USBC shall apply to amusement devices. In addition, as a requirement of this code, inspections for compliance with the VADR shall be conducted either by local building department personnel or private inspectors provided such persons are certified as amusement device inspectors under the VCS.

13 VAC 5-63-280. Section 103.13 State buildings and structures. This section establishes the application of the USBC to state-owned buildings and structures in accordance with Section 36-98.1 of the Code of Virginia. The USBC shall be applicable to all state-owned buildings and structures, with the exception that Sections 2.1-514 through 2.1-521.1 of the Code of Virginia shall provide the standards for ready access to and use of state-owned buildings by the physically handicapped.

Any state-owned building or structure for which preliminary plans were prepared or on which construction commenced after the initial effective date of the USBC, shall remain subject to the provisions of the USBC that were in effect at the time such plans were completed or such construction commenced. Subsequent reconstruction, renovation or demolition of such building or structure shall be subject to the pertinent provisions of the this code.

Acting through the Division of Engineering and Buildings, the Virginia Department of General Services shall function as the building official for state-owned buildings. The Department shall review and approve plans and specifications, grant modifications, and establish such rules and

regulations as may be necessary to implement this section. It shall provide for the inspection of state-owned buildings and enforcement of the USBC and standards for access by the physically handicapped by delegating inspection and USBC enforcement duties to the State Fire Marshal's Office, to other appropriate state agencies having needed expertise, and to local building departments, all of which shall provide such assistance within a reasonable time and in the manner requested. State agencies and institutions occupying buildings shall pay to the local building department the same fees as would be paid by a private citizen for the services rendered when such services are requested by the Department. The Department may alter or overrule any decision of the local building department after having first considered the local building department's report or other rationale given for its decision. When altering or overruling any decision of a local building department, the Department shall provide the local building department with a written summary of its reasons for doing so.

13 VAC 5-63-290. Section 104 Enforcement, Generally.

13 VAC 5-63-300. Section 104.1 Scope of enforcement. This section establishes the requirements for enforcement of the USBC in accordance with Section 36-105 of the Code of Virginia. Enforcement of the provisions of the USBC for construction and rehabilitation shall be the responsibility of the local building department. Whenever a county or municipality does not have such a building department, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such enforcement. For the purposes of this section, towns with a population of less than 3,500 may elect to administer and enforce the USBC; however, where the town does not elect to administer and enforce the code, the county in which the town is situated shall administer and enforce the code for the town. In the event such town is situated in two or more counties, those counties shall administer and enforce the USBC for that portion of the town which is situated within their respective boundaries.

The local governing body shall inspect and enforce this code for elevators except for elevators in single and two-family homes and townhouses. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body.

Upon a finding by the local building department, following a complaint by a tenant of a residential rental unit that is the subject of such complaint, that there may be a violation of the unsafe structures provisions of the code, the local building department shall enforce such provisions. If the local building department receives a complaint that a violation of the USBC exists that is an immediate and imminent threat to the health or safety of the owner or tenant of a residential dwelling unit or a nearby residential dwelling unit, and the owner or tenant of the residential dwelling unit that is the subject of the complaint has refused to allow the local building official or his agent to have access to the subject dwelling, the local building official or his agent may present sworn testimony to a court of competent jurisdiction and request that the court grant the local building official or his agent an inspection warrant to enable the building official or his agent to enter the subject dwelling for the purpose of determining whether violations of the USBC exist. The local building official or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

The local governing body may, upon an affirmative finding of the need to protect the public health, safety and welfare, require the issuance of certificates of compliance with current building regulations for existing residential buildings located in conservation and rehabilitation districts designated by the local governing body, or in other areas designated as blighted pursuant to Section 36-49.1:1 of the Code of Virginia, after inspections of such buildings upon termination of the rental tenancies or when such rental property is sold, or at specific time intervals, for a specific property, but not more than once each calendar year upon a separate finding that such additional inspections are necessary to protect the public health, safety or welfare. If, however, an inspection has been conducted within the last 12-month period, no inspection shall occur upon the termination of a rental tenancy or upon a change in ownership. The provisions of this section shall not in any way alter the rights and responsibilities of landlords or tenants pursuant to applicable provisions of Chapters 12 (Section 55-217 et seq.) or 13.2 (Section 55-248.2 et seq.) of Title 55 of the Code of Virginia. Such certificate of compliance shall be issued in accordance with the administrative provisions of this code.

Note: The maintenance requirements for elevators and the provisions regulating existing unsafe buildings and structures are contained in Part III of the Virginia Uniform Statewide Building Code, also known as the “Virginia Maintenance Code.”

13 VAC 5-63-310. Section 104.2 Interagency coordination. When any inspection functions under this code are assigned to a local agency other than the local building department, such agency shall coordinate its reports of inspection with the local building department.

13 VAC 5-63-320. Section 105 Local Building Department

13 VAC 5-63-330. Section 105.1 Appointment of building official. Every local building department shall have a building official as the executive official in charge of the department. The building official shall be appointed in a manner selected by the local governing body. After permanent appointment, the building official shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the appointing authority. DHCD shall be notified by the appointing authority within 30 days of the appointment or release of a permanent or acting building official.

Note: Building officials are subject to sanctions in accordance with the VCS.

13 VAC 5-63-340. Section 105.1.1 Qualifications of building official. The building official shall have at least five years of building experience as a licensed professional engineer or architect, building inspector, contractor, housing inspector or superintendent of building construction, with at least three years in responsible charge of work. Any combination of education and experience, which would confer equivalent knowledge and ability, shall be deemed to satisfy this requirement. The building official shall have general knowledge of sound engineering practice in respect to the design and construction of structures, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants and the public. The local governing body may establish additional qualification requirements.

13 VAC 5-63-350. Section 105.1.2 Certification of building official. An acting or permanent building official shall be certified as a building official in accordance with the VCS within one year after being appointed as acting or permanent building official.

Exception: A building official in place prior to April 1, 1983 shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same locality.

13 VAC 5-63-360. Section 105.1.3 Non-certified building official. Except for a building official exempt from certification under the exception to Section 105.3, any acting or permanent fire official who is not certified as a building official in accordance with the VCS shall complete an orientation course provided by DHCD within 60 days of appointment and shall attend the core module of the Virginia Building Code Academy or an equivalent course in an individual or regional code academy accredited by DHCD within 180 days of appointment. This requirement is in addition to meeting the certification requirement in Section 105.1.2.

13 VAC 5-63-370. Section 105.1.4 Continuing education requirements. Building officials shall attend periodic training courses designated by DHCD.

13 VAC 5-63-380. Section 105.2 Technical assistants. The building official, subject to any limitations imposed by the locality, shall employ, appoint or contract with technical assistants to assist the building official in the enforcement of the USBC. DHCD shall be notified by the building official within 60 days of the employment of, contracting with or termination of all technical assistants.

Note: Technical assistants are subject to sanctions in accordance with the VCS.

13 VAC 5-63-390. Section 105.2.1 Qualifications of technical assistants. A technical assistant shall have at least three years of experience in general building construction, building, fire or housing inspections, and general knowledge of plumbing, electrical or mechanical systems. Any combination of education and experience, which would confer equivalent knowledge and ability, shall be deemed to satisfy this requirement. The locality may establish additional qualification requirements.

13 VAC 5-63-400. Section 105.2.2 Certification of technical assistants. A technical assistant shall be certified in the appropriate subject area within three years after being retained. When required by local policy to have two or more certifications, a technical assistant shall obtain the additional certifications within three years from the date of such requirement.

Exception: A technical assistant in place prior to March 1, 1988 shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same locality.

13 VAC 5-63-410. Section 105.2.3 Continuing education requirements. Technical assistants shall attend periodic training courses designated by DHCD.

13 VAC 5-63-420. Section 105.3 Conflict of interest. The minimum standards of conduct for building officials and technical assistants shall be in accordance with the provisions of the State

and Local Government Conflict of Interests Act, Chapter 31 (Section 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

13 VAC 5-63-430. Section 105.4 Records. The local building department shall retain a record of applications received, permits, certificates, notices and orders issued, fees collected and reports of inspection in accordance with The Library of Virginia's General Schedule Number Six.

13 VAC 5-63-440. Section 106 Powers and Duties of the Building Official.

13 VAC 5-63-450. Section 106.1 Powers and duties, generally. The building official shall enforce this code as set out herein and as interpreted by the State Review Board.

13 VAC 5-63-460. Section 106.2 Delegation of authority. The building official may delegate powers and duties except where such authority is limited by the local government. When such delegations are made, the building official shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

13 VAC 5-63-470. Section 106.3 Issuance of modifications. Upon written application by an owner or an owner's agent, the building official may approve a modification of any provision of the USBC provided the spirit and intent of the code are observed and public health, welfare and safety are assured. The decision of the building official concerning a modification shall be made in writing and the application for a modification and the decision of the building official concerning such modification shall be retained in the permanent records of the local building department.

Note: The USBC references nationally recognized model codes and standards. Future amendments to such codes and standards are not automatically included in the USBC; however the building official should give them due consideration in deciding whether to approve a modification.

13 VAC 5-63-480. Section 106.3.1 Substantiation of modification. The building official may require or may consider a statement from an RDP or other person competent in the subject area of the application as to the equivalency of the proposed modification. In addition, the building official may require the application to include construction documents sealed by an RDP.

13 VAC 5-63-490. Section 107 Fees.

13 VAC 5-63-500. Section 107.1 Authority for charging fees. In accordance with Section 36-105 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement of the USBC.

13 VAC 5-63-510. Section 107.1.1 Fee schedule. The local governing body shall establish a fee schedule incorporating unit rates, which may be based on square footage, cubic footage, estimated cost of construction or other appropriate criteria. A permit or any amendments to an existing permit shall not be issued until the designated fees have been paid, except that the building official may authorize the delayed payment of fees.

13 VAC 5-63-520. Section 107.1.2 Refunds. When requested in writing by a permit holder, the locality shall provide a fee refund in the case of the revocation of a permit or the abandonment or discontinuance of a building project. The refund shall not be required to exceed an amount which correlates to work not completed.

13 VAC 5-63-530. Section 107.2 Code Academy fee levy. In accordance with Section 36-137(7) of the Code of Virginia, the local building department shall collect a 1.75% levy of fees charged for building permits issued under this code and transmit it quarterly to DHCD to support training programs of the Virginia Building Code Academy. Localities which maintain, individual or regional, training academies accredited by DHCD shall retain such levy.

13 VAC 5-63-540. Section 108 Application for Permit.

13 VAC 5-63-550. Section 108.1 When applications are required. Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day which follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit.

1. Construction or demolition of a building or structure, including the installation or altering of any equipment regulated by the USBC. For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required under Section 103.3.
2. Movement of a lot line which increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed.
3. Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.

13 VAC 5-63-560. Section 108.2 Exemptions from application for permit. Notwithstanding the requirements of Section 108.1, application for a permit and any related inspections shall not be required for the following, provided however, this section shall not be construed to exempt such activities from other applicable requirements of this code. In addition, when an owner or an owner's agent requests that a permit be issued for any of the following, then a permit shall be issued and any related inspections shall be required.

1. Installation of wiring and equipment which (i) operates at less than 50 volts, (ii) is for network powered broadband communications systems, or (iii) is exempt under Section 102.3(1), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following:
 - 1.1 Fire alarm system.
 - 1.2 Fire detection system.
 - 1.3 Fire suppression system.

- 1.4. Smoke control system.
 - 1.5. Fire protection supervisory system.
 - 1.6. Elevator fire safety control system.
 - 1.7. Access or egress control system or delayed egress locking or latching system.
 - 1.8. Fire damper.
 - 1.9. Door control system.
2. Detached accessory structures used as tool and storage sheds, playhouses or similar uses, provided the floor area does not exceed 150 square feet (14 m²) and the structures are not accessory to a Group F or H occupancy.
 3. Detached pre-fabricated buildings housing the equipment of a publicly regulated utility service, provided the floor area does not exceed 150 square feet (14 m²).
 4. Tents or air-supported structures, or both, which cover an area of 900 square feet (84 m²) or less, including within that area all connecting areas or spaces with a common means of egress or entrance, provided such tents or structures are used or intended to be used for the gathering together of fifty or less persons.
 5. Fences not part of the barrier for a swimming pool.
 6. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
 7. Swimming pools which have a surface area not greater than 150 square feet (13.95 m²), do not exceed 5,000 gallons (19 000 L) and are less than 24 inches (610 mm) deep.
 8. Ordinary repairs not including (i) the cutting away of any wall, partition or portion thereof, (ii) the removal or cutting of any structural beam or loadbearing support, (iii) the removal or change of any required means of egress, (iv) the rearrangement of parts of a structure affecting the egress requirements, (v) the addition to, alteration of, replacement of or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas or oil, soil, waste, vent or similar piping, electric wiring or mechanical work, or (vi) any other work affecting public health or general safety. However, ordinary repairs shall include, but are not limited to, the following:
 - 8.1. Either within the dwelling unit in Group R-2 occupancies which are four stories or less in height or in Group R-3, R-4 and R-5 occupancies, or both, replacement of (i) either mechanical or plumbing equipment or appliances, or both, provided such equipment or appliances are not fueled by gas or oil, (ii) floor coverings or porch flooring, or both, and (iii) windows, doors, electrical switches, electrical outlets, light

fixtures or ceiling fans.

8.2. In Group R-3, R-4 or R-5 occupancies, replacement of either roof coverings or siding or the installation of siding, or both, provided the buildings or structures are not subject to wind speeds greater than 100 miles per hour (160 km/hr).

8.3. Installation of cabinets, painting, replacement of interior floor finish or interior covering materials, or both, and repair of (i) plaster, (ii) interior tile and (iii) any other interior wall covering.

9. Signs under the conditions in Section H101.2 of Appendix H.

13 VAC 5-63-570. Section 108.3 Applicant information, processing by mail. Application for a permit shall be made by the owner or lessee of the relevant property or the agent of either or by the RDP, contractor or subcontractor associated with the work or any of their agents. The full name and address of the owner, lessee and applicant shall be provided in the application. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided. A permit application may be submitted by mail and such permit applications shall be processed by mail, unless the permit applicant voluntarily chooses otherwise. In no case shall an applicant be required to appear in person.

13 VAC 5-63-580. Section 108.4 Prerequisites to obtaining permit. In accordance with Section 54.1-1111 of the Code of Virginia, any person applying to the building department for the construction, removal or improvement of any structure shall furnish prior to the issuance of the permit, either (i) satisfactory proof to the building official that he is duly licensed or certified under the terms of Chapter 11 (Section 54.1-1000 et seq.) of Title 54.1 of the Code of Virginia to carry out or superintend the same, or (ii) file a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to Chapter 11. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

13 VAC 5-63-590. Section 108.5 Mechanics' lien agent designation. In accordance with Section 36-98.01 of the Code of Virginia, a building permit issued for any one- or two-family residential dwelling shall at the time of issuance contain, at the request of the applicant, the name, mailing address, and telephone number of the mechanics' lien agent as defined in Section 43-1 of the Code of Virginia. If the designation of a mechanics' lien agent is not so requested by the applicant, the building permit shall at the time of issuance state that none has been designated with the words "None Designated."

13 VAC 5-63-600. Section 108.6 Application form, description of work. The application for a permit shall be on submitted on a form or forms supplied by the local building department. The application shall contain a general description and location of the proposed work and such other information as determined necessary by the building official.

13 VAC 5-63-610. Section 108.7 Amendments to application. An application for a permit may be amended at any time prior to the completion of the work governed by the permit. Additional construction documents or other records may also be submitted in like manner. All such

submittals shall have the same effect as if filed with the original application for a permit and shall be retained in a like manner as the original filings.

13 VAC 5-63-620. Section 108.8 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time if a justifiable cause is demonstrated.

13 VAC 5-63-630. Section 109 Construction Documents.

13 VAC 5-63-640. Section 109.1 Submittal of documents. Construction documents shall be submitted with the application for a permit. The number of sets of such documents to be submitted shall be determined by the locality. Construction documents for one- and two-family dwellings may have floor plans reversed provided an accompanying site plan is approved.

Exception: Construction documents do not need to be submitted when the building official determines the proposed work is of a minor nature.

Note: Information on the types of construction required to be designed by an RDP is included in the "Related Laws Package" available from DHCD.

13 VAC 5-63-650. Section 109.2 Site plan. When determined necessary by the building official, a site plan shall be submitted with the application for a permit. The site plan shall show to scale the size and location of all proposed construction, including any associated wells, septic tanks or drain fields. The site plan shall also show to scale the size and location of all existing structures on the site, the distances from lot lines to all proposed construction, the established street grades and the proposed finished grades. When determined necessary by the building official, the site plan shall contain the elevation of the lowest floor of any proposed buildings. The site plan shall also be drawn in accordance with an accurate boundary line survey. When the application for a permit is for demolition, the site plan shall show all construction to be demolished and the location and size of all existing structures that are to remain on the site.

Note: Site plans are generally not necessary for alterations, renovations, repairs or the installation of equipment.

13 VAC 5-63-660. Section 109.3 Engineering details. When determined necessary by the building official, construction documents shall include adequate detail of the structural, mechanical, plumbing or electrical components. Adequate detail may include computations, stress diagrams or other essential technical data and when proposed buildings are more than two stories in height, adequate detail may specifically be required to include where floor penetrations will be made for pipes, wires, conduits, and other components of the electrical, mechanical and plumbing systems and how such floor penetrations will be protected to maintain the required structural integrity or fire-resistance rating, or both. All engineered documents, including relevant computations, shall be sealed by the RDP responsible for the design.

13 VAC 5-63-670. Section 109.4 Examination of documents. The building official shall examine or cause to be examined all construction documents or site plans, or both, within a reasonable

time after filing. If such documents or plans do not comply with the provisions of this code, the permit applicant shall be notified in writing of the reasons, which shall include any adverse construction document review comments or determinations that additional information or engineering details need to be submitted. The review of construction documents for new one- and two-family dwellings for determining compliance with the technical provisions of this code not relating to the site, location or soil conditions associated with the dwellings shall not be required when identical construction documents for identical dwellings have been previously approved in the same locality under the same edition of the code and such construction documents are on file with the local building department.

13 VAC 5-63-680. Section 109.4.1 Expedited construction document review. The building official may accept reports from an approved person or agency that the construction documents have been examined and conform to the requirements of the USBC and may establish requirements for the person or agency submitting such reports. In addition, where such reports have been submitted, the building official may expedite the issuance of the permit.

13 VAC 5-63-690. Section 109.5 Approval of construction documents. The approval of construction documents shall be limited to only those items within the scope of the USBC. Either the word "Approved" shall be stamped on all required sets of approved construction documents or an equivalent endorsement in writing shall be provided. One set of the approved construction documents shall be retained for the records of the local building department and one set shall be kept at the building site and shall be available to the building official at all reasonable times.

13 VAC 5-63-700. Section 109.6 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit the entire structure will be granted.

13 VAC 5-63-710. Section 110 Permits.

13 VAC 5-63-720. Section 110.1 Approval and issuance of permits. The building official shall examine or cause to be examined all applications for permits or amendments to such applications within a reasonable time after filing. If the applications or amendments do not comply with the provisions of this code or all pertinent laws and ordinances, the permit shall not be issued and the permit applicant shall be notified in writing of the reasons for not issuing the permit. If the application complies with the applicable requirements of this code, a permit shall be issued as soon as practicable. The issuance of permits shall not be delayed in an effort to control the pace of construction of new detached one- or two-family dwellings.

13 VAC 5-63-730. Section 110.2 Types of permits. Separate or combined permits may be required for different areas of construction such as building construction, plumbing, electrical, and mechanical work, or for special construction as determined appropriate by the locality. In addition, permits for two or more buildings or structures on the same lot may be combined. Annual permits may also be issued for alterations to an existing structure. The annual permit

holder shall maintain a detailed record of all alterations made under the annual permit. Such record shall be available to the building official and shall be submitted to the local building department if requested by the building official.

13 VAC 5-63-740. Section 110.3 Asbestos inspection in buildings to be renovated or demolished; exceptions. In accordance with Section 36-99.7 of the Code of Virginia, the local building department shall not issue a building permit allowing a building for which an initial building permit was issued before January 1, 1985, to be renovated or demolished until the local building department receives certification from the owner or his agent that the affected portions of the building have been inspected for the presence of asbestos by an individual licensed to perform such inspections pursuant to Section 54.1-503 of the Code of Virginia and that no asbestos-containing materials were found or that appropriate response actions will be undertaken in accordance with the requirements of the Clean Air Act National Emission Standard for the Hazardous Air Pollutant (NESHAPS) (40 CFR Part 61, Subpart M), and the asbestos worker protection requirements established by the U.S. Occupational Safety and Health Administration for construction workers (29 CFR 1926.1101). Local educational agencies that are subject to the requirements established by the Environmental Protection Agency under the Asbestos Hazard Emergency Response Act (AHERA) shall also certify compliance with 40 CFR 763 and subsequent amendments thereto.

To meet the inspection requirements above, except with respect to schools, asbestos inspection of renovation projects consisting only of repair or replacement of roofing, floorcovering, or siding materials may be satisfied by a statement that the materials to be repaired or replaced are assumed to contain friable asbestos and that asbestos installation, removal, or encapsulation will be accomplished by a licensed asbestos contractor.

The provisions of this section shall not apply to single-family dwellings or residential housing with four or fewer units, unless the renovation or demolition of such buildings is for commercial or public development purposes. The provisions of this section shall not apply if the combined amount of regulated asbestos-containing material involved in the renovation or demolition is less than 260 linear feet on pipes or less than 160 square feet on other facility components or less than 35 cubic feet off facility components where the length or area could not be measured previously.

An abatement area shall not be reoccupied until the building official receives certification from the owner that the response actions have been completed and final clearances have been measured. The final clearance levels for reoccupancy of the abatement area shall be 0.01 or fewer asbestos fibers per cubic centimeter if determined by Phase Contrast Microscopy analysis (PCM) or 70 or fewer structures per square millimeter if determined by Transmission Electron Microscopy analysis (TEM).

13 VAC 5-63-750. Section 110.4 Fire apparatus access road requirements. The permit applicant shall be informed of any requirements for providing or maintaining fire apparatus access roads prior to the issuance of a building permit.

13 VAC 5-63-760. Section 110.5 Signature on and posting of permits; limitation of approval. The signature of the building official or authorized representative shall be on or affixed to every permit. A copy of the permit shall be posted on the construction site for public inspection until

the work is completed. Such posting shall include the street or lot number if one has been assigned, to be readable from a public way. In addition, each building or structure to which a street number has been assigned shall, upon completion, have the number displayed so as to be readable from the public way.

A permit shall be considered authority to proceed with construction in accordance with this code, the approved construction documents, the permit application and any approved amendments or modifications. The permit shall not be construed to otherwise authorize the omission or amendment of any provision of this code.

13 VAC 5-63-770. Section 110.6 Suspension of a permit. Any permit shall become invalid if work on the site authorized by the permit is not commenced within six months after issuance of the permit, or if the authorized work on the site is suspended or abandoned for a period of six months after the time of commencing the work; however, permits issued for building equipment such as plumbing, electrical and mechanical work shall not become invalid if the building permit is still in effect. It shall be the responsibility of the permit applicant to prove to the building official that work has not been suspended or abandoned. Upon written request, the building official may grant one or more extensions of time, not to exceed one year per extension.

13 VAC 5-63-780. Section 110.7 Revocation of a permit. The building official may revoke a permit or approval issued under this code in the case of any false statement, misrepresentation of fact or incorrect information supplied by the applicant in the application or construction documents on which the permit or approval was based.

13 VAC 5-63-790. Section 111 RDP Services.

13 VAC 5-63-800. Section 111.1 When required. In accordance with Section 54.1-410 of the Code of Virginia and under the general authority of this code, the local building department shall establish a procedure to ensure that construction documents under Section 109 are prepared by an RDP in any case in which the exemptions contained in Sections 54.1-401, 54.1-402 or Section 54.1-402.1 of the Code of Virginia are not applicable or in any case where the building official determines it necessary. When required under Section 54.1-402 of the Code of Virginia or when required by the building official, or both, construction documents shall bear the name and address of the author and his occupation.

Note: Information on the types of construction required to be designed by an RDP is included in the "Related Laws Package" available from DHCD.

13 VAC 5-63-810. Section 111.2 Special inspection requirements. Inspectors conducting special inspections for concrete, soil, reinforcing steel, structural steel, masonry and bituminous materials shall be RDP's or shall comply with ASTM E329. When ASTM E329 is used, submittal shall include written documentation of the applicable agency's laboratory accreditation, or personnel certification, or both. The permit applicant shall be informed of any requirements for providing such special inspections prior to the issuance of a building permit and all fees and costs related to the inspections shall be the responsibility of the building owner.

13 VAC 5-63-820. Section 112 Workmanship, Materials and Equipment.

13 VAC 5-63-830. Section 112.1 General. It shall be the duty of any person performing work covered by this code to comply with all applicable provisions of this code and to perform and complete such work so as to secure the results intended by the USBC.

13 VAC 5-63-840. Section 112.2 Alternative methods or materials. In accordance with Section 36-99 of the Code of Virginia, where practical, the provisions of this code are stated in terms of required level of performance, so as to facilitate the prompt acceptance of new building materials and methods. When generally recognized standards of performance are not available, this section and other applicable requirements of this code provide for acceptance of materials and methods whose performance is substantially equal in safety to those specified on the basis of reliable test and evaluation data presented by the proponent. In addition, as a requirement of this code, the building official shall require that sufficient technical data be submitted to substantiate the proposed use of any material, equipment, device, assembly or method of construction.

13 VAC 5-63-850. Section 112.3 Documentation and approval. In determining whether any material, equipment, device, assembly or method of construction complies with this code, the building official shall approve items listed by nationally recognized independent laboratories and may consider the recommendations of RDP's. Approval shall be issued when the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, equipment, device, assembly or method of construction offered is, for the purpose intended, at least the equivalent of that prescribed by the code in quality, strength, effectiveness, fire resistance, durability and safety. Such approval is subject to all applicable requirements of this code and the material, equipment, device, assembly or method of construction shall be installed or constructed, or both, in accordance with the conditions of the approval. In addition, the building official may revoke such approval whenever it is discovered that such approval was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC.

13 VAC 5-63-860. Section 112.4 Used material and equipment. Used materials, equipment and devices may be approved provided they have been reconditioned, tested or examined and found to be in good and proper working condition and acceptable for use by the building official.

13 VAC 5-63-870. Section 113 Inspections.

13 VAC 5-63-880. Section 113.1 General. In accordance with Section 36-105 of the Code of Virginia, any building or structure may be inspected at any time before completion, and shall not be deemed in compliance until approved by the inspecting authority. Where the construction cost is less than \$2500, however, the inspection may, in the discretion of the inspecting authority, be waived. The building official shall coordinate all reports of inspections for compliance with the USBC, with inspections of fire and health officials delegated such authority, prior to the issuance of an occupancy permit.

13 VAC 5-63-890. Section 113.2 Prerequisites. The building official may conduct a site inspection prior to issuing a permit. When conducting inspections pursuant to this code, all personnel shall carry proper credentials.

13 VAC 5-63-900. Section 113.3 Minimum inspections (no change from current Section 115.4)

13 VAC 5-63-910. Section 113.4 Additional inspections. The building official may designate additional inspections and tests to be conducted during the construction of a building or structure and shall so notify the permit holder. When construction reaches a stage of completion which requires an inspection, the permit holder shall notify the building official. Any ladder, scaffolding or test equipment necessary to conduct or witness the requested inspection shall be provided by the permit holder.

13 VAC 5-63-920. Section 113.5 In-plant and factory inspections. When required by the provisions of this code, materials, equipment or assemblies shall be inspected at the point of manufacture or fabrication. The building official shall require the submittal of an evaluation report of such materials, equipment or assemblies. The evaluation report shall indicate the complete details of the assembly including a description of the assembly and its components, and describe the basis upon which the assembly is being evaluated. In addition, test results and other data as necessary for the building official to determine conformance with the USBC shall be submitted. For factory inspections, an identifying label or stamp permanently affixed to materials, equipment or assemblies indicating that a factory inspection has been made shall be acceptable instead of a written inspection report, provided the intent or meaning of such identifying label or stamp is properly substantiated.

13 VAC 5-63-930. Section 113.6 Approval or notice of defective work. The building official shall either approve the work in writing or give written notice of defective work to the permit holder. Upon request of the permit holder, the notice shall reference the USBC section that serves as the basis for the defects and such defects shall be corrected and reinspected before any work proceeds that would conceal such defects. A record of all reports of inspections, tests, examinations, discrepancies and approvals issued shall be maintained by the building official and shall be communicated promptly in writing to the permit holder. Approval issued under this section may be revoked whenever it is discovered that such approval was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC.

13 VAC 5-63-940. Section 113.7 Approved inspection agencies. (no change from current Section 115.8.1)

13 VAC 5-63-950. Section 113.8 Final inspection. Upon completion of a building or structure and before the issuance of a certificate of occupancy, a final inspection shall be conducted to ensure that any defective work has been corrected and that all work complies with the USBC and has been approved, including any work associated with modifications under Section 106.3. The approval of a final inspection shall be permitted to serve as the new certificate of occupancy required by Section 116.1 in the case of additions or alterations to existing buildings or structures which already have a certificate of occupancy.

13 VAC 5-63-960. Section 114 Stop Work Orders.

13 VAC 5-63-970. Section 114.1 Issuance of order. When the building official finds that work on any building or structure is being executed contrary to the provisions of this code or any pertinent laws or ordinances, or in a manner endangering the general public, a written stop work order may be issued. The order shall identify the nature of the work to be stopped and be given either to the owner of the property involved, to the owner's agent or to the person performing the work. Following the issuance of such an order, the affected work shall cease immediately. The

order shall state the conditions under which such work may be resumed.

13 VAC 5-63-980. Section 114.2 Limitation of order. A stop work order shall apply only to the work identified in the order, provided that other work on the building or structure may be continued if not concealing the work covered by the order.

13 VAC 5-63-990. Section 115 Violations.

13 VAC 5-63-1000. Section 115.1 Violation a misdemeanor; civil penalty. In accordance with Section 36-106 of the Code of Virginia, it shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any code provisions, to violate any such provisions. Any locality may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the code which are not abated or remedied promptly after receipt of a notice of violation from the local enforcement officer.

Note: See the full text of Section 36-106 of the Code of Virginia for additional requirements and criteria pertaining to legal action relative to violations of the code.

13 VAC 5-63-1010. Section 115.2 Notice of violation. The building official shall issue a written notice of violation to the responsible party if any violations of this code or any directives or orders of the building official have not been corrected or complied with in a reasonable time. The notice shall reference the code section upon which the notice is based and direct the discontinuance and abatement of the violation or the compliance with such directive or order. The notice shall be issued by either delivering a copy to the responsible party by mail to the last known address or delivering the notice in person or by leaving it in the possession of any person in charge of the premises, or by posting the notice in a conspicuous place if the person in charge of the premises cannot be found. The notice of violation shall indicate the right of appeal by referencing the appeals section. When the owner of the building or structure, or the permit holder for the construction in question, or the tenants of such building or structure, are not the responsible party to whom the notice of violation is issued, then a copy of the notice shall also be delivered to the such owner, permit holder or tenants.

13 VAC 5-63-1020. Section 115.2.1 Notice not to be issued under certain circumstances. When violations are discovered more than two years after the certificate of occupancy is issued or the date of initial occupancy, whichever occurred later, or more than two years after the approved final inspection for an alteration or renovation, a notice of violation shall only be issued upon advice from the legal counsel of the locality that action may be taken to compel correction of the violation. When compliance can no longer be compelled by prosecution under Section 36-106 of the Code of Virginia, the building official shall document the existence of the violation and the edition of the USBC the violation is under.

13 VAC 5-63-1030. Section 115.3 Further action when violation not corrected. If the responsible party has not complied with the notice of violation, the building official shall submit a written request to the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the building or structure involved. In cases where the locality so authorizes, the building official may issue or obtain a summons or warrant. Compliance with a notice of violation notwithstanding, the building official may request legal proceedings be instituted for prosecution

when a person, firm or corporation is served with three or more notices of violation within one calendar year for failure to obtain a required construction permit prior to commencement of work subject to this code.

Note: See Section 19.2-8 of the Code of Virginia concerning the statute of limitations for building code prosecutions.

13 VAC 5-63-1040. Section 115.4 Penalties and abatement. Penalties for violations of the USBC shall be as set out in Section 36-106 of the Code of Virginia. The successful prosecution of a violation of the USBC shall not preclude the institution of appropriate legal action to require correction or abatement of a violation.

13 VAC 5-63-1050. Section 116 Certificates of Occupancy

13 VAC 5-63-1060. Section 116.1 General; when to be issued. A certificate of occupancy indicating completion of the work for which a permit was issued shall be obtained prior to the occupancy of any building or structure, except as provided for in this section generally and as specifically provided for in Section 113.8 for additions or alterations.. The certificate shall be issued after completion of the final inspection and when the building or structure is in compliance with this code and any pertinent laws or ordinances, or when otherwise entitled. The building official shall, however, issue a certificate of occupancy within five working days after being requested to do so, provided the building or structure meets all of the requirements for a certificate.

13 VAC 5-63-1070. Section 116.1.1 Temporary certificate of occupancy. Upon the request of a permit holder, a temporary certificate of occupancy may be issued before the completion of the work covered by a permit, provided that such portion or portions of a building or structure may be occupied safely prior to full completion of the building or structure without endangering life or public safety.

13 VAC 5-63-1080. Section 116.2 Contents of certificate. A certificate of occupancy shall specify the following:

1. The edition of the USBC under which the permit is issued.
2. The group classification and occupancy in accordance with the provisions of Chapter 3.
3. The type of construction as defined in Chapter 6.
4. If an automatic sprinkler system is provided and whether or not such system was required.
5. Any special stipulations and conditions of the building permit.

13 VAC 5-63-1090. Section 116.3 Suspension or revocation of certificate. A certificate of occupancy may be revoked or suspended whenever the building official discovers that such certificate was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC. The revocation or suspension shall be in writing.

13 VAC 5-63-1100. Section 116.4 Issuance of certificate for existing buildings or structures. Upon written request from the owner or the owner's agent, or as otherwise determined necessary by the building official, a certificate of occupancy shall be issued for an existing building or structure provided there are no current violations of the Virginia Maintenance Code or the Virginia Statewide Fire Prevention Code (13 VAC 5-52) and the occupancy classification of the building or structure has not changed. An inspection shall be performed prior to the issuance of the certificate and such buildings and structures shall not be prevented from continued use.

13 VAC 5-63-1110. Section 117 Temporary and Moved Buildings and Structures; Demolition.

13 VAC 5-63-1120. Section 117.1 Temporary building and structures. The building official is authorized to issue a permit for temporary buildings or structures. Such permits shall be limited as to time of service, but shall not be permitted for more than one year, except that upon the permit holder's written request, the building official may grant one or more extensions of time, not to exceed one year per extension. The building official is authorized to terminate the approval and order the demolition or removal of temporary buildings or structures during the period authorized by the permit when determined necessary.

13 VAC 5-63-1130. Section 117.2 Moved buildings and structures. Any building or structure moved into a locality or moved to a new location within a locality shall not be occupied or used until a certification of occupancy is issued for the new location. Such moved buildings or structures shall be required to comply with the requirements of this code for a newly constructed building or structure unless meeting all of the following requirements relative to the new location:

1. There is no change in the occupancy classification from its previous location.
2. The building or structure was in compliance with all state and local requirements applicable to it in its previous location and is in compliance with all state and local requirements applicable if originally constructed in the new location.
3. The building or structure did not become unsafe during the moving process due to structural damage or for other reasons.
4. Any alterations, reconstruction, renovations or repairs made pursuant to the move are in compliance with applicable requirements of this code.

13 VAC 5-63-1140. Section 117.3 Demolition of buildings and structures. Prior to the issuance of a permit for the demolition of any building or structure, the owner or the owner's agent shall provide certification to the building official that all service connections of utilities have been removed, sealed or plugged satisfactorily and a release has been obtained from the associated utility company. The certification shall further provide that written notice has been given to the owners of adjoining lots and any other lots which may be affected by the temporary removal of utility wires or the temporary disconnection or termination of other services or facilities relative to the demolition. In addition, the requirements of Chapter 33 of the IBC for any necessary retaining walls or fences during demolition shall be applicable and when a building or structure is demolished or removed, the established grades shall be restored.

13 VAC 5-63-1150. Section 118 Buildings and Structures Becoming Unsafe During Construction.

13 VAC 5-63-1160. Section 118.1 Applicability. This section applies to buildings and structures for which a construction permit has been issued under this code and construction has not been completed or a certificate of occupancy has not been issued, or both. In addition, this section applies to any building or structure which is under construction or which was constructed without obtaining the required permits under this edition or any edition of the USBC.

Note: Existing buildings and structures other than those under construction or subject to this section are subject to the Virginia Maintenance Code which also has requirements for unsafe conditions.

13 VAC 5-63-1170. Section 118.2 Repair or removal of unsafe buildings or structures. Any building or structure subject to this section which is either deteriorated, improperly maintained, of faulty construction, deficient in adequate exit facilities, a fire hazard or dangerous to life or the public welfare, or both, or any combination of the foregoing, is an unsafe building or structure and shall be made safe through compliance with this code or shall be taken down and removed if determined necessary by the building official.

13 VAC 5-63-1180. Section 118.3 Inspection report and notice of unsafe building or structure. The building official shall inspect any building or structure reported to be unsafe and shall prepare a report to be filed in the records of the local building department. In addition to a description of any unsafe conditions found, the report shall include the occupancy classification of the building or structure and the nature and extent of any damages caused by collapse or failure of any building components. If the building or structure is determined by the building official to be unsafe, a notice of unsafe building or structure shall be issued in person to the owner and any permit holder. The notice shall describe any unsafe conditions and specify any repairs or improvements necessary to make the building or structure safe, or alternatively, when determined necessary by the building official, require the unsafe building or structure, or any portion of it, to be taken down and removed. The notice shall stipulate a time period for the repair or demolition of the unsafe building or structure and contain a statement requiring the person receiving the notice to determine whether to accept or reject the terms of the notice. If any persons to which the notice of unsafe building or structure is to be issued cannot be found after diligent search, as equivalent service, the notice shall be sent by registered or certified mail to the last known address of such persons and a copy of the notice posted in a conspicuous place on the premises.

13 VAC 5-63-1190. Section 118.4 Vacating the unsafe building or structure. If any portion of an unsafe building or structure has collapsed or fallen, or if the building official determines there is actual and immediate danger of any portion collapsing or falling, and when life is endangered by the occupancy of the unsafe building or structure, the building official shall be authorized to order the occupants to immediately vacate the unsafe building or structure. When an unsafe building or structure is ordered to be vacated, the building official shall post a notice at each entrance which reads as follows:

“This Building (or Structure) is Unsafe and its Occupancy (or Use) is Prohibited by the Building

Official.”

After posting, occupancy or use of the unsafe structure shall be prohibited except when authorized to enter to conduct inspections, make required repairs or as necessary to demolish the building or structure.

13 VAC 5-63-1200. Section 118.5 Emergency repairs. The building official may also authorize emergency repairs to unsafe buildings or structures to the extent authorized by the local governing body when it is determined that there is an immediate danger of any portion of the unsafe building or structure collapsing or falling and when life is endangered. Emergency repairs may also be authorized when a violation of this code results in a fire hazard that creates an immediate, serious and imminent threat to the life and safety of the occupants. Such emergency repairs shall be limited to those necessary to achieve temporary safety and shall be permitted whether or not legal action to compel compliance has been instituted.

13 VAC 5-63-1210. Section 118.6 Further action to raze. Whenever the owner of an unsafe building or structure fails to comply with a notice of unsafe building or structure issued under Section 118.3, the building official shall be permitted to cause the unsafe building or structure to be razed or removed when so authorized by the local governing body.

Note: Sections 15.2-906, 15.2-906 and 15.2-1115 of the Code of Virginia may provide additional authority for governmental actions to remove unsafe buildings or structures and the recovery of associated expenditures.

13 VAC 5-63-1220. Section 119 Appeals.

13 VAC 5-63-1230. Section 119.1 LBBCA. In accordance with Section 36-105 of the Code of Virginia, there shall be established within each local building department a LBBCA. Whenever a county or a municipality does not have such a LBBCA, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such appeals resulting therefrom. Fees may be levied by the local governing body in order to defray the cost of such appeals. In addition, as an authorization in this code, separate LBBCA's may be established to hear appeals of different enforcement areas such as electrical, plumbing or mechanical requirements. Each such LBBCA shall comply with the requirements of this section.

(STAFF NOTE: There are no changes to the remainder of the appeals section with the exception of minor changes to existing Section 106.5 to take out the reference to maintenance appeals, therefore the provisions are not contained in this draft. It is noted that the State Review Board has a pending code change recommending a rewrite of the appeals provisions of this code and the SFPC. VAC section numbers 1240 through 1260 are reserved for the remainder of the appeals section.)

13 VAC 5-63-1240. Chapter 2 Definitions; Section 202 Definitions.

A. Add the following definitions to Section 202 of the IBC to read:

Building regulations. (current language inserted)

Construction. (current language inserted)

Day-night average sound level (Ldn). See Section 1202.1.

DHCD. (current language inserted)

Equipment. (current language inserted)

Farm building or structure. A building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products.
3. Business or office uses relating to the farm operations.
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm.
5. Storage or use of supplies and materials used on the farm.
6. Implementation of best management practices associated with farm operations.

Industrialized building. (current language inserted)

Local board of building code appeals (LBBCA). See Section 119.1.

Local building department. The agency or agencies of any local governing body charged with the administration, supervision, or enforcement of this code, approval of construction documents, inspection of buildings or structures, or issuance of permits, licenses, certificates or similar documents.

Local governing body. The governing body of any city, county or town in this Commonwealth.

Locality. A city, county or town in this Commonwealth.

Manufactured home. (current language inserted)

Skirting. (current language inserted)

Sound transmission class (STC) rating. See Section 1202.1.

State regulated care facility (SRCF). A building with an occupancy in Group R-2, R-3, R-4 or R-5 occupied by persons in the care of others where program oversight is provided by the Virginia Department of Social Services, the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, the Virginia Department of Education or the Virginia Department of Juvenile Justice.

State Review Board. The Virginia State Building Code Technical Review Board as established under Section 36-108 of the Code of Virginia.

Technical assistant. (current language inserted)

VADR. The Virginia Amusement Device Regulations (13 VAC 5-31).

VCS. The Virginia Certification Standards (13 VAC 5-21).

Working day. A day other than Saturday, Sunday or a legal local, state or national holiday.

B. Change the following definitions in Section 202 of the IBC to read:

Building. A combination of materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

Owner. (current language inserted)

Registered Design Professional (RDP). (current language inserted)

Structure. An assembly of materials forming a construction for occupancy or use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, storage tanks (underground and aboveground), trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature but excluding water wells. The word "structure" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

C. Delete the following definitions from Section 202 of the IBC:

Agricultural building.

Existing building.

13 VAC 5-63-1250. Chapter 3 Use and Occupancy Classification.

A. Add an exception to Section 308.2 of the IBC to read:

Exception: Group homes licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services or the Virginia Department of Social Services

which house no more than eight persons with one or more resident counselors shall be classified as Group R-2, R-3, R-4 or R-5. Not more than five of the persons may require physical assistance from staff to respond to an emergency situation.

B. Change Section 308.5.2 of the IBC to read:

308.5.2 Child care facility. A facility other than family day homes under Section 310.4 that provides supervision and personal care on less than a 24-hour basis for more than five children 2½ years of age or less shall be classified as Group I-4.

Exception: A child day care facility that provides care for more than five but no more than 100 children 2½ years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

C. Add a new occupancy classification to Section 310 of the IBC to read:

R-5 (current language inserted)

D. Add Section 310.3 to the IBC to read:

310.3 Group R-5. The construction of Group R-5 structures shall comply with the International Residential Code, also referred to as the “IRC.” The amendments to the IRC set out in Section 310.6 shall be made to the IRC for its use as part of this code. In addition, all references to Section 101.2 in the IBC relating to the construction to one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height shall be considered to be references to this section.

E. Add Section 310.4 to the IBC to read:

310.4 Family day homes. Family day homes where program oversight is provided by the Virginia Department of Social Services shall be classified as Group R-2, R-3 or R-5.

Note: Family day homes may generally care for up to 12 children. See the DHCD Related Laws Package for additional information.

F. Add Section 310.5 to the IBC to read:

310.5 Radon-resistant construction in Group R-3 and R-4 structures. Group R-3 and R-4 structures shall be subject to the radon-resistant construction requirements in Appendix F in localities enforcing such requirements pursuant to Section R324 of the IRC.

G. Add Section 310.6 to the IBC to read:

310.6 Amendments to the IRC. The following changes shall be made to the IRC for its use as part of this code.

1. Change Section R301.2.1 to read:

R301.2.1 Wind limitations. (current language inserted)

2. Change Note “e” of Table R301.2(1) to read:

- e. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed table [Table R301.2(4)]. Wind exposure category shall be determined on a site specific basis in accordance with Section R301.2.1.4.

3. Change Figure R301.2(4) to Table R301.2(4) to read:

Table R301.2(4)
BASIC WIND SPEEDS FOR VIRGINIA LOCALITIES
BASED ON BASIC WIND SPEED (3 Second Gust) MAP
(current table inserted)

4. Change Section R303.8 to read:

R303.8 Required heating. (current language from R303.6 inserted)

5. Add Section R303.9 to read:

R303.9 Insect screens. (current language from R303.7 inserted)

6. Add Section R306.5 to read:

R306.5 Water supply sources and sewage disposal systems. (current language inserted)

7. Change Section R310.1 to read:

R310.1 Emergency escape and rescue required. (current language inserted)

8. Change Section R310.1.1 to read:

R310.1.1 Minimum opening area. (current language inserted)

9. Change Section R311.5.3.1 to read:

R311.5.3.1 Riser height. The maximum riser height shall be 8-1/4 inches (210 mm). (remainder of 2003 IRC language inserted)

10. Change Section R311.5.3.2 to read:

R311.5.3.2 Tread depth. The minimum tread depth shall be 9 inches (229 mm). (remainder of 2003 IRC language inserted)

11. Add Section R324 Radon-Resistant Construction.

12. Add Section R324.1 to read:

R324.1 Local enforcement of radon requirements. (current language from R329.1 inserted)

13 Add Section R325 Swimming Pools, Spas and Hot Tubs.

14. Add Section R325.1 to read:

R325.1 Use of Appendix G for swimming pools, spas and hot tubs. (current language from R328.1 inserted)

15. Add Section R326 Patio Covers.

16. Add Section R326.1 to read:

R326.1 Use of Appendix H for patio covers. (current language from R331.1 inserted)

17. Add Section R327 Sound Transmission

18. Add Section R327.1 to read:

R327.1 Sound transmission between dwelling units. (current language from R330.1 inserted)

19. Add Section R327.2 to read:

R327.2 Airport noise attenuation. This section applies to the construction of the exterior envelope of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means or egress within airport noise zones when enforced by a locality pursuant to Section 15.2-2295 of the Code of Virginia. The exterior envelope of such structures shall comply with Section 1207.4 of the state amendments to the IBC.

20. Change Section R401.4 to read:

R401.4 Soil tests. (current language inserted including Table R401.4)

21. Change Section R403.1 to read:

R403.1 General. (current language inserted)

22. Change Section R506.2.1 to read:

R506.2.1 Fill. (current language inserted)

23. Change Section R506.2.2 to read:

R506.2.2 Base. (current language inserted)

24. Add Section M2201.2.1.1 to read:

M2201.2.1.1 Abandonment of home fuel tanks. (current language inserted)

25. Delete Section P2602.1.

26. Change Section P3114.1 to read:

P3114.1 General. (current language inserted)

27. Change the trap sizes as shown in the following categories of Table P3201.7:

(current table excerpt inserted)

28. Add Section E3501.8 to read:

E3501.8 Energizing service equipment. (current language inserted)

13 VAC 5-63-1260. Chapter 4 Special Detailed Requirements Based on Use and Occupancy.

A. Change Section 408.3.5 of the IBC to read:

408.3.5 Sallyports. (current language inserted)

B. Add Section 415.1.1 to the IBC to read:

415.1.1 Flammable and combustible liquids. (current language inserted)

C. Add IBC Section 419 Site Work for Manufactured Homes and Industrialized Buildings.

D. Add Section 419.1 to the IBC to read:

419.1 General. (current language inserted)

E. Add Section 419.2 to the IBC to read:

419.2 Site work. Construction work associated with the installation of a manufactured home or industrialized building shall comply with the manufacturer's installation instructions and to the extent not provided for in the manufacturer's installation instructions applicable requirements of this code. Where the manufacturer's installation instructions for manufactured homes are not available, the NCSBCS/ANSI A225.1 standard, 1994 edition, may be substituted for the manufacturer's installation instructions. In addition, Appendix E of the International Residential Code entitled, "Manufactured Housing used as Dwellings," shall be an acceptable alternative to this code for construction work associated with the installation of manufactured homes and for additions, alterations and repairs to manufactured

homes.

F. Add Section 419.3 to the IBC to read:

419.3 Wind load requirements for manufactured homes. (current language from 419.2.1 inserted)

G. Add Section 419.4 to the IBC to read:

419.4 Skirting requirements for manufactured homes. (current language from 419.2.2 inserted)

13 VAC 5-63-1270. Chapter 7 Fire-Resistant-Rated Construction.

A. Add Section 701.2 to the IBC to read:

701.2 Fire-resistance assembly marking. (current language inserted)

B. Add exceptions 12 and 13 to Section 707.2 of the IBC to read: (current exceptions inserted)

C. Delete Section 707.14.1 of the IBC.

D. Add exception 4 to Section 715.3.3 of the IBC to read: (current exception 4 of 714.2.3 inserted)

E. Add an exception to Section 715.4.4.1 of the IBC to read:

Exception: Security glazing in doors and windows in smoke barriers in Group I-3 shall be considered to be fire-protection-rated glazing when protected on both sides by an automatic sprinkler system. Individual panels of glazing (remainder of language from current 714.3.3.1 inserted)

13 VAC 5-63-1280. Chapter 9 Fire Protection Systems.

A. Change the following definition in Section 902 of the IBC to read:

Automatic fire-extinguishing system. (current definition inserted)

B. Change Section 903.2.7 of the IBC to read:

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area, except in the following Group R-2 occupancies when the necessary water pressure or volume, or both, for the system is not available:

1. (current text of exception number 1 of 903.2.8 inserted)

2. (current text of exception number 2 of 903.2.8 inserted)

C. Add an exception to Section 905.2 of the IBC to read: (current exception inserted)

D. Change Section 906.1 of the IBC to read:

906.1 General. (current language inserted)

E. Add Section 907.9.1.1.1 to the IBC to read:

907.9.1.1.1 Location of appliances in Group I-3 occupancies. Wall-mounted visible alarm notification appliances in Group I-3 occupancies shall be permitted to be a maximum of 120 inches (3048 mm) above the floor or ground, measured to the bottom of the appliance and shall otherwise comply with Section 702.3.3.1 of ICC A117.1.

F. Change Section 909.6 of the IBC to read:

909.6 Pressurization method. (current language inserted)

G. Add footnote “c” to Table 910.3 to read:

c. Smoke and heat vents (remainder of current language inserted)

13 VAC 5-63-1290. Chapter 10 Means of Egress.

A. Change Section 1004.1 of the IBC to read:

1004.1 Design occupant load. In determining means of egress requirements, the number of occupants for whom means of egress facilities are to be provided shall be established in accordance with Sections 1004.1.1, 1004.1.2 or 1004.1.3 and shall not exceed the occupant load permitted by 1004.2.

B. Change Section 1004.9 of the IBC to read:

1004.9 Multiple occupancies. (current language from 1003.2.1 inserted)

C. Change Section 1008.1.8.6 of the IBC to read:

1008.1.8.6 Delayed egress locks. (current language from 1003.3.1.8.2 inserted)

D. Add Section 1008.1.8.8 to the IBC to read:

1008.1.8.8 Locking arrangements in correctional facilities. (current language from 1003.3.1.8.5 inserted)

E. Add Section 1008.1.10 to the IBC to read:

1008.1.10 Locking certain residential sliding doors. (current language from 1003.3.1.1.2 inserted)

F. Add Section 1008.1.11 to the IBC to read:

1008.1.11 Door viewers in certain residential buildings. (current language from 1003.3.1.1.3 inserted)

G. Add exception 7 to Section 1009.3 of the IBC to read: (current exception 7 of 1003.3.3.3 inserted)

H. Change Section 1013.2 of the IBC to read:

1013.2 Egress through intervening spaces. (current language from 1004.2.3 inserted)

I. Change exception 2 of Section 1014.2.1 of the IBC to read: (current exception 2 of 1004.2.2.1 inserted)

J. Change Table 1016.1 of the IBC to read: (current Table 1004.3.2.1 inserted)

13 VAC 5-63-1300. Chapter 11 Accessibility.

Add Section 1106.8 to the IBC to read:

1106.8 Identification of accessible parking spaces. (current language from 1103.1.1 inserted)

13 VAC 5-63-1310. Chapter 12 Interior Environment.

A. Add the following definitions to Section 1202.1 of the IBC:

Day-night average sound level (Ldn). (current language from 202 inserted)

Sound transmission class (STC) rating. (current language from 202 inserted)

B. Add Section 1203.4.4 to the IBC to read:

1203.4.4 Insect screens in occupancies other than Group R. (current language from 1202.4.1.3 inserted)

C. Add Section 1203.4.5 to the IBC to read:

1203.4.5 Insect screens in Group R occupancies. (current language from 1202.4.1.4 inserted)

D. Change Section 1207.1 of the IBC to read:

1207.1 Scope. Sections 1207.2 and 1207.3 shall apply to common interior walls, partitions and floor/ceiling assemblies between adjacent dwelling units or between dwelling units and adjacent public areas such as halls, corridors, stairs or service areas. Section 1207.4 applies to the construction of the exterior envelope of Group R occupancies within airport noise zones when enforced by a locality pursuant to Section 15.2-2295 of the Code of Virginia.

E. Add Section 1207.4 to the IBC to read:

1207.4 Airport noise attenuation standards. (current language from 1206.4 inserted with reference to Table 1206.4 changed to Table 1207.4)

F. Add Table 1207.4 to the IBC to read: (current Table 1206.4 inserted renumbered to Table 1207.4)

13 VAC 5-63-1320. Chapter 16 Structural Design.

A. Delete Figure 1609 of the IBC and replace with Table 1609 to read as follows: (current Table 1609 inserted)

B. Change Section 1609.3 of the IBC to read:

1609.3 Basic wind speed. The basic wind speed, in mph, for the determination of the wind loads shall be determined by Table 1609 or by ASCE 7 Figure 6-1 when using the provisions of ASCE 7. All references to Figure 1609 shall be considered to be references to Table 1609. Basic wind speed for the special wind regions indicated (remainder of 2003 IBC 1609.3 inserted)

C. Add Section 1612.1.1 to the IBC to read:

1612.1.1 Elevation of manufacture homes. (current language from 1612.1.1 inserted)

13 VAC 5-63-1330. Chapter 17 Structural Test and Special Inspections.

A. Change Section 1704.1 of the IBC to read: (current language from 1704.1 inserted with reference to Section 115.4 changed to Section 113.3)

B. Change Section 1704.1.1 of the IBC to read:

1704.1.1 Building permit requirement. The permit applicant shall submit a statement of special inspections prepared by the RDP in responsible charge in accordance with Section 111.1. This statement (remainder of current language from 1704.1.1 inserted)

C. Add a category “11” to Table 1704.4 of the IBC to read: (current category 11 of Table 1704.4 inserted)

13 VAC 5-63-1340. Chapter 18 Soils and Foundations.

Change the exception to Section 1803.5 of the IBC to read: (current exception to 1803.4 inserted)

13 VAC 5-63-1350. Chapter 27 Electrical.

Add Section 2701.1.1 to the IBC to read:

2701.1.1 Changes to the ICC Electrical Code. The following changes shall be made to the ICC Electrical Code:

1. Add Section 801.2.1 to the ICC Electrical Code to read:

801.2.1 Temporary connection to dwelling units. (current language from 801.2.1 inserted)

2. Change Section 1202.2 of the ICC Electrical Code to read:

1202.2 Nonmetallic-sheathed cable. The use of Type NM, NMC and NMS (nonmetallic sheathed) cable wiring methods in buildings not exceeding four floors above grade shall not be limited based upon construction type of the building. For the purpose of this section, the first floor of a building shall be that floor that has 50 percent or more of the exterior wall surface level with or above finished grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use shall be permitted.

13 VAC 5-63-1360. Chapter 28 Mechanical Systems.

A. Change Section 2801.1 of the IBC to read:

2801.1 Scope. Mechanical appliances, equipment and systems shall be constructed and installed in accordance with this chapter, the International Mechanical Code and the International Fuel Gas Code. Masonry chimneys, fireplaces and barbecues shall comply with the International Mechanical Code and Chapter 21 of this code.

Exception: This code shall not govern the construction of water heaters, boilers and pressure vessels to the extent (remainder of current exception to 2801.1 inserted)

B. Add IBC Section 2802 Heating Facilities.

C. Add Section 2802.1 to the IBC to read:

2802.1 Required heating in dwelling units. Heating facilities shall be required in every dwelling unit or portion thereof which is to be rented, leased or let on terms, either expressed or implied, to furnish heat to the occupants thereof. The heating facilities shall be capable of (remainder of current item 1 of 2801.1.1 inserted)

D. Add Section 2802.2 to the IBC to read:

2802.2 Required heating in nonresidential structures. Heating facilities shall be required in every enclosed occupied space in nonresidential structures. The heating facilities shall be capable of producing (remainder of current item 2 of 2801.1 inserted including the last paragraph which begins with "Processing, storage and")

E. Add IBC Section 2803 Fuel Gas.

F. Add Section 2803.1 to the IBC to read:

2803.1 Changes to the International Fuel Gas Code. The following changes shall be made to the International Fuel Gas Code:

1. Change Section 301.1 of the International Fuel Gas Code to read:

301.1 Scope. This code shall apply to the installation of fuel gas piping systems, (remainder of current language from 301.1 inserted)

Exception: This code shall not apply to the following:

1. Portable LP-Gas equipment (remainder of current language from 301.1.1 inserted)

2. Add Section 404.8.3 to the International Fuel Gas Code to read:

404.8.3 Coating application. (current language from 404.8.3 inserted)

13 VAC 5-63-1370. Chapter 29 Plumbing Systems.

A. Change Section 2901.1 of the IBC to read:

2901.1 Scope. The provisions of this chapter and the International Plumbing Code shall govern the design and installation of all plumbing systems and equipment, except that water supply sources and sewage disposal systems are regulated and approved by the Virginia Department of Health. The approval of pumping and electrical equipment associated with such water supply sources and sewage disposal systems shall, however, be the responsibility of the building official.

B. Add Section 2901.1.1 to the IBC to read:

2901.1.1 Changes to the International Plumbing Code. The following change shall be made to the International Plumbing Code:

1. Delete Sections 311 and 311.1.

13 VAC 5-63-1380. Chapter 30 Elevators and Conveying Equipment.

Change Section 3002.4 of the IBC to read:

3002.4 Elevator car to accommodate ambulance stretcher. In buildings four or more stories in height where an elevator or elevators are provided, at least one of the elevators shall be capable of providing fire department personnel emergency access to all floors and shall have the elevator car of such a size and arrangement to accommodate a 24-inch by 76-inch (610 mm by 1930 mm) ambulance stretcher in the horizontal, open position. The elevator shall be identified by the international symbol for emergency medical services (star of life). The

symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame.

Exception: Elevators in multistory dwelling units or guest rooms.

13 VAC 5-63-1390. Chapter 33 Safeguards During Construction.

Delete IBC Sections 3305 and 3305.1.

13 VAC 5-63-1400. Chapter 34 Existing Structures.

A. Change Section 3401.1 of the IBC to read:

3401.1 Scope. The provisions of this chapter and the applicable requirements of Chapter 1 shall control the alteration, repair, addition and change of occupancy of existing structures.

B. Delete IBC Sections 3401.2 and 3401.3.

C. Delete IBC Section 3403.

D. Change Section 3405.1 of the IBC to read:

3405.1 Standards for replacement glass. In accordance with Section 36-99.2 of the Code of Virginia, any replacement glass installed in buildings constructed prior to first edition of the USBC shall meet the quality and installation standards for glass installed in new buildings as are in effect at the time of installation.

E. Delete IBC Section 3406.

F. Delete IBC Section 3408.

G. Change Section 3410.2 of the IBC to read:

3410.2 Applicability. When specifically requested by an owner or an owner's agent in structures where there is work involving additions, alterations or changes of occupancy, the provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

H. Add IBC Section 3411 Retrofit Requirements.

I. Add Section 3411.1 to the IBC to read:

3411.1 Scope. In accordance with Section 103.7 and as setout herein, the following buildings are required to be provided with certain fire protection equipment or systems or other retrofitted components.

J. Add Section 3411.2 to the IBC to read:

3411.2 Smoke detectors in colleges and universities. In accordance with Section 36-99.3 of the Code of Virginia, college and university buildings containing dormitories for sleeping purposes shall be provided with battery-powered or AC-powered smoke detector devices installed therein in accordance with this code in effect on July 1, 1982. All public and private college and university dormitories shall have installed such detectors regardless of when the building was constructed. (remainder of language from current 123.1.1 inserted)

K. Add Section 3411.3 to the IBC to read:

3411.3 Smoke detectors in certain juvenile care facilities. In accordance with Section 36-99.4 of the Code of Virginia, battery-powered or AC-powered smoke detectors shall be installed in all local and regional detention homes, group homes, and other residential care facilities for children and juveniles which are operated by or under the auspices of the Virginia Department of Juvenile Justice, regardless of when the building was constructed, by July 1, 1986, in accordance with the provisions of this code that were in effect on July 1, 1984. Administrators of such homes and facilities shall be responsible for the installation of the smoke detector devices.

L. Add Section 3411.4 to the IBC to read:

3411.4 Smoke detectors for the deaf and hearing-impaired. In accordance with Section 36-99.5 of the Code of Virginia, smoke detectors (remainder of language from current 123.1.3 inserted)

M. Add Sections 3411.5, 3411.5.1 and 3411.5.2 to the IBC to read:

3411.5 Assisted living facilities (remainder of current 123.1.4 inserted to include 123.1.4.1 renumbered to 3411.5.1 and 123.1.4.2 renumbered to 3411.5.2)

N. Add Section 3411.6 to the IBC to read:

3411.6 Smoke detectors in buildings containing dwelling units. (remainder of language from current 123.1.5 inserted)

O. Add Section 3411.7 to the IBC to read:

3411.7 Fire suppression, fire alarm and fire detection systems in nursing homes and facilities. Fire suppression systems as required by the edition of this code in effect on October 1, 1990, shall be installed in all nursing facilities licensed by the Virginia Department of Health by January 1, 1993, regardless of when such facilities or institutions were constructed. Units consisting of (remainder of language from current 123.1.6 inserted)

P. Add Section 3411.8 to the IBC to read:

3411.8 Fire suppression systems in hospitals. Fire suppression systems shall be installed in all hospitals licensed by the Virginia Department of Health as required by the edition of this code in effect on October 1, 1995, regardless of when such facilities were constructed.

Q. Add Section 3411.9 to the IBC to read:

3411.9 Identification of handicapped parking spaces by above grade signs. (current language from 123.1.8 inserted)

R. Add Section 3411.10 to the IBC to read:

3411.10 Smoke detectors in hotels and motels. Smoke detectors shall be installed in hotels and motels as required by the edition of VR 394-01-22, USBC, Volume II, in effect on March 1, 1990, by the dates indicated, regardless of when constructed.

S. Add Section 3411.11 to the IBC to read:

3411.11 Sprinkler systems in hotel and motels. By September 1, 1997, an automatic sprinkler system shall be installed in hotels and motels as required by the edition of VR 394-01-22, USBC, Volume II, in effect on March 1, 1990, regardless of when constructed.

T. Add Section 3411.12 to the IBC to read:

3411.12 Fire suppression systems in dormitories. An automatic fire suppression system shall be provided throughout all buildings having a Group R-2 fire area which are more than 75 feet (22,860 mm) or six stories above the lowest level of exit discharge and which are used, in whole or in part, as a dormitory to house students by any public or private institution of higher education, regardless of when such buildings were constructed, in accordance with the edition of this code in effect on August 20, 1997 and the requirements for sprinkler systems under the edition of the NFPA 13 standard referenced by that code. The automatic fire suppression system shall be installed by September 1, 1999. The chief administrative office of the college or university shall obtain a certificate of compliance from the code official of the locality in which the college or university is located or in the case of state-owned buildings, from the Director of the Virginia Department of General Services. (remainder of language from current 123.1.11 inserted with the reference to 123.1.11 in exception 3 changed to "this section")

U. Add Section 3411.13 to the IBC to read:

3411.13 Fire extinguishers and smoke detectors in SRCF's. SRCF's shall be provided with at least one approved type ABC portable fire extinguisher with a minimum rating of 2A10BC installed in each kitchen. In addition, SRCF's shall provide at least one approved and properly installed battery operated smoke detector outside of each sleeping area in the vicinity of bedrooms and bedroom hallways and on each additional floor.

V. Add Section 3411.14 to the IBC to read:

3411.14 Smoke detectors in adult day care centers. Battery-powered or AC-powered smoke detector devices shall be installed in all adult day care centers licensed by the Virginia Department of Social Services, regardless of when the building was constructed. The location and installation of the smoke detectors shall be determined by the provisions of this code in

effect on October 1, 1990. The licensee shall obtain a certificate of compliance from the building official of the locality in which the center is located, or in the case of state-owned buildings, from the Director of the Virginia Department of General Services.

13 VAC 5-63-1410. Chapter 35 Referenced Standards.

Add new referenced standard to the IBC as follows: (current ASTM E329-02 added with reference to 113.2 changed to 111.2)

13 VAC 5-63-1420. Appendix F Rodent Proofing.

The following provisions of Appendix F of the IBC are part of this code:

F101.2 Foundation wall ventilation openings.

F101.6 Pier and wood construction. (Includes all provisions.)

13 VAC 5-63-1430. Appendix H Signs.

The following provisions of Appendix H of the IBC are part of this code:

H101.2 Signs exempt from permits.

H102 Definitions. (Includes all definitions.)

H103 Location. (Includes Section H103.1.)

H105 through H114. (Includes all provisions.)

13 VAC 5-63-1440. Appendix I Patio Covers.

The following provisions from Appendix I of the IBC are part of this code:

I101 through I104 (Includes all provisions.)

PART II. REHABILITATION.

13 VAC 5-63-1450. Chapter 1 Administration; Section 101 General.

13 VAC 5-63-1460. Section 101.1 Short title. The Virginia Uniform Statewide Building Code, Part II, Rehabilitation, may be cited as the Virginia Rehabilitation Code.

13 VAC 5-63-1470. Section 101.2 Incorporation by reference. Chapters 2 – 14 of the 2003 International Existing Building Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the Virginia Rehabilitation Code. The term “IEBC” means the 2003 International Existing Building Code, published by the International Code Council, Inc. Any codes and standards referenced in the IEBC are also

considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference.

13 VAC 5-62-1480. Section 101.3 Numbering system. A dual numbering system is used in the Virginia Rehabilitation Code to correlate the numbering system of the Virginia Administrative Code with the numbering system of the IEBC. IEBC numbering system designations are provided in the catch-lines of the Virginia Administrative Code sections and cross references between sections or chapters of the Virginia Rehabilitation Code use only the IEBC numbering system designations. The term “chapter” is used in the context of the numbering system of the IEBC and may mean a chapter in the Virginia Rehabilitation Code, a chapter in the IEBC or a chapter in a referenced code or standard, depending on the context of the use of the term. The term “chapter” is not used to designate a chapter of the Virginia Administrative Code, unless clearly indicated.

13 VAC 5-63-1490. Section 101.4 Arrangement of code provisions. The Virginia Rehabilitation Code is comprised of the combination of (i) the provisions of Chapter 1, Administration, which are established herein, (ii) Chapters 2 – 14 of the IEBC, which are incorporated by reference in Section 101.2, and (iii) the changes to the text of the incorporated chapters of the IEBC which are specifically identified. The terminology “changes to the text of the incorporated chapters of the IEBC which are specifically identified” shall also be referred to as the “state amendments to the IEBC.” Such state amendments to the IEBC are set out using corresponding chapter and section numbers of the IEBC numbering system. In addition, since Chapter 1 of the IEBC is not incorporated as part of the Virginia Rehabilitation Code, any reference to a provision of Chapter 1 of the IEBC in the provisions of Chapters 2 - 14 of the IEBC is generally invalid. However, where the purpose of such a reference would clearly correspond to a provision of Chapter 1 established herein, then the reference may be construed to be a valid reference to such corresponding Chapter 1 provision.

13 VAC 5-63-1500. Section 101.5 Use of terminology and notes. The term “this code,” or “the code,” where used in the provisions of Chapter 1, in Chapters 2 – 14 of the IEBC or in the state amendments to the IEBC means the Virginia Rehabilitation Code, unless the context clearly indicates otherwise. The term “this code,” or “the code,” where used in a code or standard referenced in the IEBC means that code or standard, unless the context clearly indicates otherwise. The term “USBC” where used in this code means Part I of the Virginia Uniform Statewide Building Code, also known as the “Virginia Construction Code,” unless the context clearly indicates otherwise. In addition, the use of notes in Chapter 1 is to provide information only and shall not be construed as changing the meaning of any code provision. Notes in the IEBC, in the codes and standards referenced in the IEBC and in the state amendments to the IEBC may modify the content of a related provision and shall be considered to be a valid part of the provision, unless the context clearly indicates otherwise.

13 VAC 5-63-1510. Section 101.6 Order of precedence. The provisions of Chapter 1 of this code supercede any conflicting provisions of Chapters 2 – 14 of the IEBC and any conflicting provisions of the codes and standards referenced in the IEBC. In addition, the state amendments to the IEBC supercede any conflicting provisions of Chapters 2 – 14 of the IEBC and any conflicting provisions of the codes and standards referenced in the IEBC. Further, the provisions of Chapters 2 – 14 of the IEBC supercede any conflicting provisions of the codes and standards referenced in the IEBC.

13 VAC 5-63-1520. Section 101.7 Administrative provisions. The provisions of Chapter 1 establish administrative requirements, which include but are not limited to provisions relating to the scope and enforcement of the code. Any provisions of Chapters 2 – 14 of the IEBC or any provisions of the codes and standards referenced in the IEBC which address the same subject matter to a lesser or greater extent are deleted and replaced by the provisions of Chapter 1. Further, any administrative requirements contained in the state amendments to the IEBC shall be given the same precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2 – 14 of the IEBC or of the codes and standards referenced in the IEBC are specifically identified as valid administrative requirements in Chapter 1 of this code or in the state amendments to the IEBC, then such requirements are not deleted and replaced.

Note: The purpose of this provision is to eliminate overlap, conflicts and duplication by providing a single standard for administrative, procedural and enforcement requirements of this code.

13 VAC 5-63-1530. Section 101.8 Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid.

13 VAC 5-63-1540. Section 102 Purpose and Scope.

13 VAC 5-63-1550. Section 102.1 Purpose. In accordance with Section 36-99.01 of the Code of Virginia, the General Assembly of Virginia has declared that (i) there is an urgent need to improve the housing conditions of low and moderate income individuals and families, many of whom live in substandard housing, particularly in the older cities of the Commonwealth; (ii) there are large numbers of older residential buildings in the Commonwealth, both occupied and vacant, which are in urgent need of rehabilitation and which must be rehabilitated if the State's citizens are to be housed in decent, sound, and sanitary conditions; and (iii) the application of those building code requirements currently in force to housing rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place.

The General Assembly further declares that (i) there is an urgent need to improve the existing condition of many of the Commonwealth's stock of commercial properties, particularly in older cities; (ii) there are large numbers of older commercial buildings in the Commonwealth, both occupied and vacant, that are in urgent need of rehabilitation and that must be rehabilitated if the citizens of the Commonwealth are to be provided with decent, sound and sanitary work spaces; and (iii) the application of the existing building code to such rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place.

13 VAC 5-63-1560. Section 102.2 Scope. In accordance with Section 103.6 of the USBC, this code shall be an acceptable alternative to compliance with the Virginia Construction Code for the rehabilitation of existing buildings and structures.

13 VAC 5-63-1570. Section 103 Application of Code.

13 VAC 5-63-1580. Section 103.1 General. The provisions of this code shall control the rehabilitation, alteration, repair, addition and change of occupancy of existing buildings and structures when this code is chosen as an alternative to compliance with the Virginia Construction Code. All administrative provisions of the Virginia Construction Code, including but not limited to, requirements for permits, inspections and approvals by the local building department, provisions for appeals from decisions of the local building department and the issuance of modifications, are applicable to the use of this code, except where this code sets out differing requirements.

13 VAC 5-63-1590. Section 103.2 Requirements relating to maintenance. Any requirements of the IEBC requiring the maintenance of existing buildings or structures are invalid.

Note: Requirements for the maintenance of existing buildings and structures and for unsafe conditions are contained in Part III of the Virginia Uniform Statewide Building Code, also known as the “Virginia Maintenance Code.”

13 VAC 5-63-1600. Section 103.3 Use of Appendix A. Appendix A of the IEBC provides guidelines for the seismic retrofit of existing buildings. The use of this appendix is not mandatory but shall be permitted to be utilized at the option of an owner, the owner’s agent or the RDP involved in a rehabilitation project. However, in no case shall the use of Appendix A be construed to authorize the lowering of existing levels of health or safety in buildings or structures being rehabilitated.

13 VAC 5-63-1610. Section 103.4 Use of Appendix B. Appendix B of the IEBC provides supplementary accessibility requirements for existing buildings and facilities. All applicable requirements of Appendix B shall be met in buildings and structures being rehabilitated.

13 VAC 5-63-1620. Section 103.5 Use of Resource A. Resource A of the IEBC provides guidelines for the evaluation of fire resistance ratings of archaic materials and may be used in conjunction with rehabilitation projects.

13 VAC 5-63-1630. Chapter 2 Definitions.

Change Section 201.3 of the IEBC to read:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the other International Codes, such terms shall have the meanings ascribed to them in those codes, except that terms defined in the Virginia Construction Code shall be used for this code and shall take precedence over other definitions.

13 VAC 5-63-1640. Chapter 12 Compliance Alternatives.

Change Section 1201.2 of the IEBC to read:

1201.2 Applicability. Work involving rehabilitation, additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 10. The provisions in Sections 1201.2.1 through 1201.2.5 shall apply to

existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

PART III. MAINTENANCE.

13 VAC 5-63-1650. Chapter 1 Administration; Section 101 General.

13 VAC 5-63-1660. Section 101.1 Short title. The Virginia Uniform Statewide Building Code, Part III, Maintenance, may be cited as the Virginia Maintenance Code.

13 VAC 5-63-1670. Section 101.2 Incorporation by reference. Chapters 2 – 8 of the 2003 International Property Maintenance Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the Virginia Maintenance Code. The term “IPMC” means the 2003 International Property Maintenance Code, published by the International Code Council, Inc. Any codes and standards referenced in the IPMC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference.

13 VAC 5-62-1680. Section 101.3 Numbering system. A dual numbering system is used in the Virginia Maintenance Code to correlate the numbering system of the Virginia Administrative Code with the numbering system of the IPMC. IPMC numbering system designations are provided in the catch-lines of the Virginia Administrative Code sections and cross references between sections or chapters of the Virginia Maintenance Code use only the IPMC numbering system designations. The term “chapter” is used in the context of the numbering system of the IPMC and may mean a chapter in the Virginia Maintenance Code, a chapter in the IPMC or a chapter in a referenced code or standard, depending on the context of the use of the term. The term “chapter” is not used to designate a chapter of the Virginia Administrative Code, unless clearly indicated.

13 VAC 5-63-1690. Section 101.4 Arrangement of code provisions. The Virginia Maintenance Code is comprised of the combination of (i) the provisions of Chapter 1, Administration, which are established herein, (ii) Chapters 2 – 8 of the IPMC, which are incorporated by reference in Section 101.2, and (iii) the changes to the text of the incorporated chapters of the IPMC which are specifically identified. The terminology “changes to the text of the incorporated chapters of the IPMC which are specifically identified” shall also be referred to as the “state amendments to the IPMC.” Such state amendments to the IPMC are set out using corresponding chapter and section numbers of the IPMC numbering system. In addition, since Chapter 1 of the IPMC is not incorporated as part of the Virginia Maintenance Code, any reference to a provision of Chapter 1 of the IPMC in the provisions of Chapters 2 - 8 of the IPMC is generally invalid. However, where the purpose of such a reference would clearly correspond to a provision of Chapter 1 established herein, then the reference may be construed to be a valid reference to such corresponding Chapter 1 provision.

13 VAC 5-63-1700. Section 101.5 Use of terminology and notes. The term “this code,” or “the code,” where used in the provisions of Chapter 1, in Chapters 2 – 8 of the IPMC or in the state amendments to the IPMC means the Virginia Maintenance Code, unless the context clearly indicates otherwise. The term “this code,” or “the code,” where used in a code or standard

referenced in the IPMC means that code or standard, unless the context clearly indicates otherwise. The term “USBC” where used in this code means Part I of the Virginia Uniform Statewide Building Code, also known as the “Virginia Construction Code,” unless the context clearly indicates otherwise. In addition, the use of notes in Chapter 1 is to provide information only and shall not be construed as changing the meaning of any code provision. Notes in the IPMC, in the codes and standards referenced in the IPMC and in the state amendments to the IPMC may modify the content of a related provision and shall be considered to be a valid part of the provision, unless the context clearly indicates otherwise.

13 VAC 5-63-1710. Section 101.6 Order of precedence. The provisions of Chapter 1 of this code supercede any conflicting provisions of Chapters 2 – 8 of the IPMC and any conflicting provisions of the codes and standards referenced in the IPMC. In addition, the state amendments to the IPMC supercede any conflicting provisions of Chapters 2 – 8 of the IPMC and any conflicting provisions of the codes and standards referenced in the IPMC. Further, the provisions of Chapters 2 – 8 of the IPMC supercede any conflicting provisions of the codes and standards referenced in the IPMC.

13 VAC 5-63-1720. Section 101.7 Administrative provisions. The provisions of Chapter 1 establish administrative requirements, which include but are not limited to provisions relating to the scope of the code, enforcement, fees, permits, inspections and disputes. Any provisions of Chapters 2 – 8 of the IPMC or any provisions of the codes and standards referenced in the IPMC which address the same subject matter to a lesser or greater extent are deleted and replaced by the provisions of Chapter 1. Further, any administrative requirements contained in the state amendments to the IPMC shall be given the same precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2 – 8 of the IPMC or of the codes and standards referenced in the IPMC are specifically identified as valid administrative requirements in Chapter 1 of this code or in the state amendments to the IPMC, then such requirements are not deleted and replaced.

Note: The purpose of this provision is to eliminate overlap, conflicts and duplication by providing a single standard for administrative, procedural and enforcement requirements of this code.

13 VAC 5-63-1730. Section 101.8 Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid.

Note: The order of precedence outlined in Section 101.6 may be determinative in establishing how to apply the definitions in the IPMC and in the referenced codes and standards.

13 VAC 5-63-1740. Section 102 Purpose and Scope.

13 VAC 5-63-1750. Section 102.1 Purpose. In accordance with Section 36-103 of the Code of Virginia, the Virginia Board of Housing and Community Development may adopt and promulgate as part of the Virginia Uniform Statewide Building Code, building regulations that facilitate the maintenance, rehabilitation, development and reuse of existing buildings at the least possible cost to ensure the protection of the public health, safety and welfare. Further, in accordance with Section 36-99 of the Code of Virginia, the purpose of this code is to protect the

health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged.

13 VAC 5-63-1760. Section 102.2 Scope. In accordance with Section 36-98 of the Code of Virginia, the Virginia Maintenance Code shall supercede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies.

13 VAC 5-63-1770. Section 102.3 Exemptions. This code shall not regulate those buildings and structures specifically exempt from the Virginia Construction Code, except that existing industrialized buildings and manufactured homes shall not be exempt from this code.

13 VAC 5-63-1780. Section 103 Application of Code.

13 VAC 5-63-1790. Section 103.1 General. This code prescribes regulations for the maintenance of all existing buildings and structures and associated equipment, including regulations for unsafe buildings and structures.

13 VAC 5-63-1800. Section 103.2 Maintenance requirements. The equipment, systems, devices and safeguards which were required, provided and approved when an existing building or structure was constructed shall be maintained and kept in good repair in accordance with the requirements of this code. Buildings and structures subject to any edition of the USBC when constructed shall also be maintained and kept in good repair in accordance with the USBC under which such building or structure was constructed. No provision of this code shall require alterations to be made to an existing building, structure or equipment unless conditions are present which meet the definition of an unsafe structure or a structure unfit for human occupancy.

13 VAC 5-63-1810. Section 103.3 Continued approval. Notwithstanding any provision of this code to the contrary, alterations shall not be required to be made to existing buildings or structures which are occupied in accordance with a certificate of occupancy issued under any edition of the USBC.

13 VAC 5-63-1820. Section 104 Enforcement, Generally.

13 VAC 5-63-1830. Section 104.1 Scope of enforcement. In accordance with Section 36-105 of the Code of Virginia, the local governing body may also inspect and enforce the provisions of the USBC for existing buildings and structures, whether occupied or not. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body.

Note: Generally, official action must be taken by the local government to enforce the Virginia Maintenance Code. Consultation with the legal counsel of the jurisdiction when initiating or changing such action is advised.

13 VAC 5-63-1840. Section 104.2 Fees. In accordance with Section 36-105 of the Code of

Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement and appeals.

13 VAC 5-63-1850. Section 104.3 State buildings. In accordance with Section 36-98.1 of the Code of Virginia, this code shall be applicable to state-owned buildings and structures. Acting through the Division of Engineering and Buildings, the Department of General Services shall function as the code official for state-owned buildings.

13 VAC 5-63-1860. Section 104.4 Local enforcing agency. In jurisdictions enforcing this code, the local governing body shall designate the agency with the local government responsible for such enforcement and appoint a code official. The local governing body may also employ, appoint or contract with technical assistants to assist the code official in the enforcement of this code. A permanently appointed code official shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the appointing authority. DHCD shall be notified by the appointing authority within 30 days of the appointment or release of a permanent or acting code official and within 60 days after retaining or terminating a technical assistant.

Note: Code officials and technical assistants are subject to sanctions in accordance with the VCS.

13 VAC 5-63-1870. Section 104.4.1 Qualifications of code official. The code official shall have at least five years of building experience as a licensed professional engineer or architect, building inspector, contractor, housing inspector or superintendent of building construction, with at least three years in responsible charge of work. Any combination of education and experience, which would confer equivalent knowledge and ability, shall be deemed to satisfy this requirement. The building official shall have general knowledge of sound engineering practice in respect to the design and construction of structures, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants and the public. The local governing body may establish additional qualification requirements.

13 VAC 5-63-1880. Section 104.4.2 Certification of code official and technical assistants. An acting or permanent code official shall be certified as a code official in accordance with the VCS within one year after being appointed as acting or permanent code official. A technical assistant shall be certified in the appropriate subject area within three years after being retained. When required by a locality to have two or more certifications, a technical assistant shall obtain the additional certifications within three years from the date of such requirement.

Exception: A code official or technical assistant in place prior to April 1, 1995 shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same locality.

13 VAC 5-63-1890. Section 104.4.3 Non-certified code official. Except for a code official exempt from certification under the exception to Section 104.4.2, any acting or permanent code official who is not certified as a code official in accordance with the VCS shall complete an

orientation course provided by DHCD within 60 days of appointment and shall attend the core module of the Virginia Building Code Academy or an equivalent course in an individual or regional code academy accredited by DHCD within 180 days of appointment. This requirement is in addition to meeting the certification requirement in Section 104.4.2.

13 VAC 5-63-1900. Section 104.4.4 Continuing education requirements. Code officials and technical assistants shall attend periodic training courses designated by DHCD.

13 VAC 5-63-1910. Section 104.4.5 Conflict of interest. The minimum standards of conduct for code officials and technical assistants shall be in accordance with the provisions of the State and Local Government Conflict of Interests Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

13 VAC 5-63-1920. Section 104.4.6 Records. The local enforcing agency shall retain a record of applications received, permits, certificates, notices and orders issued, fees collected and reports of inspections in accordance with The Library of Virginia's General Schedule Number Ten.

13 VAC 5-63-1930. Section 104.5 Powers and duties, generally. The code official shall enforce this code, issue all necessary notices or orders to ensure compliance with the code and give due regard to any interpretations concerning the application of the code issued by the State Review Board.

13 VAC 5-63-1940. Section 104.5.1 Delegation of authority. The code official may delegate powers and duties except where such authority is limited by the local government. When such delegations are made, the code official shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

13 VAC 5-63-1950. Section 104.5.2 Issuance of modifications. Upon written application by an owner or an owner's agent, the code official may approve a modification of any provision of this code provided the spirit and intent of the code are observed and public health, welfare and safety are assured. The decision of the code official concerning a modification shall be made in writing and the application for a modification and the decision of the code official concerning such modification shall be retained in the permanent records of the local enforcing agency.

13 VAC 5-63-1960. Section 104.5.2.1 Substantiation of modification. The code official may require or may consider a statement from a professional engineer, architect or other person competent in the subject area of the application as to the equivalency of the proposed modification.

13 VAC 5-63-1970. Section 104.5.3 Inspections. The code official may inspect buildings or structures to determine compliance with this code and shall carry proper credentials when performing such inspections.

13 VAC 5-63-1980. Section 104.5.4 Notice of violation. If the code official determines there are violations of this code other than those for unsafe structures, unsafe equipment or structures unfit for human occupancy under Section 105, the code official shall issue a notice of violation to be communicated promptly in writing to the owner or the person responsible for the maintenance or use of the building or structure. Upon request of the owner of the building or structure to which

the notice of violation pertains, if such notice does not contain reference to the section numbers of this code serving as the basis for the violations, then the code official shall provide the section numbers to the owner. The notice shall require correction of the violations within a reasonable time and the code official shall be responsible for any re-inspections to assure the violations have been corrected. In addition, the notice of violation shall indicate the right of appeal by referencing the appeals section.

Note: Work done to correct violations of this code is generally subject to the permit, inspection and approval provisions of the Virginia Construction Code.

13 VAC 5-63-1990. Section 104.5.5 Coordination of inspections. The code official shall coordinate inspections and administrative orders with any other state or local agencies having related inspection authority and shall coordinate those inspections required by the Virginia Statewide Fire Prevention Code (13 VAC 5-51) for maintenance of fire protection devices, equipment and assemblies so that the owners and occupants will not be subjected to numerous inspections or conflicting orders.

Note: The Fire Prevention Code requires the fire official to coordinate such inspections with the code official.

13 VAC 5-63-2000. Section 104.5.6 Further action when violation not corrected. If the responsible party has not complied with the notice of violation, the code official shall submit a written request to the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the building or structure involved. In cases where the locality so authorizes, the code official may issue or obtain a summons or warrant.

13 VAC 5-63-2010. Section 104.5.7 Penalties and abatement. Penalties for violations of this code shall be as set out in Section 36-106 of the Code of Virginia. The successful prosecution of a violation of the code shall not preclude the institution of appropriate legal action to require correction or abatement of a violation.

13 VAC 5-63-2020. Section 105 Unsafe Structures or Structures Unfit for Human Occupancy.

13 VAC 5-63-2030. Section 105.1 General. This section shall apply to existing buildings or structures which are classified as unsafe or unfit for human occupancy. All such structures shall be made safe through compliance with this code or shall be vacated and secured against public entry; however, such vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy is of such a potential for collapse that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

Note: Buildings or structures which become unsafe during construction are regulated under the Virginia Construction Code.

13 VAC 5-63-2040. Section 105.2 Inspection of unsafe or unfit structures. The code official shall inspect any structure reported as unsafe or unfit for human habitation and shall prepare a report

to be filed in the records of the local enforcing agency and a copy issued to the owner. The report shall include the use of the structure and a description of the nature and extent of any conditions found.

13 VAC 5-63-2050. Section 105.3 Unsafe conditions not related to maintenance. When the code official finds a condition that constitutes a serious and dangerous hazard to life or health in a building or structure constructed prior to the initial edition of the USBC and when that condition is of a cause other than improper maintenance or failure to comply with state or local building codes which were in effect when the building or structure was constructed, then the code official shall be permitted to order those minimum changes to the design or construction of the building or structure to remedy the condition.

13 VAC 5-63-2060. Section 105.3.1 Limitation to requirements for retrofitting. In accordance with Section 103.2, this code does not generally provide for requiring the retrofitting of any building or structure. However, conditions may exist in older buildings or structures because of faulty design or equipment which constitute a danger to life or health or a serious hazard. Any changes to the design or construction required by the code official under this section shall be only to remedy the serious hazard or danger to life or health and such changes shall not be required to fully comply with the requirements of the Virginia Construction Code applicable to newly constructed buildings or structures.

13 VAC 5-63-2070. Section 105.4 Notice of unsafe structure or structure unfit for human occupancy. When a building or structure is determined to be unsafe or unfit for human occupancy by the code official, a written notice of unsafe structure or structure unfit for human occupancy shall be issued in person to the owner, the owner's agent or the person in control of such structure. The notice shall specify the corrections necessary to comply with this code, or if the structure is required to be demolished, the notice shall specify the time period within which the demolition must occur. Requirements in Section 104.5.4 for notices of violation are also applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section. In addition, the notice shall contain a statement requiring the person receiving to notice to either accept or reject the terms of the notice.

Note: Whenever possible, the notice should also be given to any tenants of the affected building.

13 VAC 5-63-2080. Section 105.5 Posting of notice. If the notice is unable to be issued in person as required by Section 105.4, then the notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.

13 VAC 5-63-2090. Section 105.6 Posting of placard. In the case of a structure unfit for human habitation, at the time the notice is issued, a placard with the following wording shall be posted at the entrance to the building: "THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." In the case of an unsafe structure, if the notice is not complied with, a placard with the above wording shall be posted at the entrance to the building. After a building is placarded, entering the building shall be prohibited except as authorized by the code official to make inspections, to perform required repairs or to demolish the building. In addition, the placard shall not be removed until the building is determined by the code official to be safe to occupy, nor shall the placard be

defaced.

13 VAC 5-63-2100. Section 105.7 Revocation of certificate of occupancy. If a notice of unsafe structure or structure unfit for human habitation is not complied with within the time period stipulated on the notice, the code official shall be permitted to request the local building department to revoke the certificate of occupancy issued under the Virginia Construction Code.

13 VAC 5-63-2110. Section 105.8 Vacant and open structures. When an unsafe structure or a structure unfit for human habitation is open for public entry at the time a placard is issued under Section 105.6, the code official shall be permitted to authorize the necessary work to make such structure secure against public entry whether or not legal action to compel compliance has been instituted.

13 VAC 5-63-2120. Section 105.9 Temporary safeguards and emergency repairs. To the extent authorized by the locality, when an unsafe structure or a structure unfit for human habitation is in immediate danger of collapse or failure and is endangering life or when violations of this code result in a hazard which is an immediate serious and imminent threat to the life and safety of the occupants, the code official shall be permitted to authorize the necessary work to make the structure temporarily safe whether or not legal action to compel compliance has been instituted. In addition, also to the extent authorized by the locality, the code official shall be permitted to employ the necessary labor and to purchase the necessary materials to perform any necessary emergency repairs as expeditiously as possible. The legal counsel of the locality may be requested to institute appropriate action against the owner to recover the costs associated with any such emergency repairs.

13 VAC 5-63-2130. Section 105.10 Closing of streets. When necessary for public safety, the code official shall be permitted to order the temporary closing of sidewalks, streets, public ways or premises adjacent to unsafe or unfit structures and prohibit the use of such spaces.

13 VAC 5-63-2140. Section 105.11 Demolition of unsafe or unfit structures. When the code official has ordered the demolition of an unsafe structure or a structure unfit for human habitation and when the demolition has not occurred in the time period required, or when the notice issued under Section 105.4 has not been complied within the time period stipulated, the code official shall be permitted to proceed with demolition to the extent permitted by the locality. The legal counsel of the locality may be requested to institute appropriate action against the owner to recover the costs associated with such demolition.

Note: A locality may be able to take actions to compel demolition or recover costs, or both, pursuant to Sections 15.2-900, 15.2-906 or 15.2-1115 of the Code of Virginia.

13 VAC 5-63-2150. Section 106 Appeals.

(STAFF NOTE: The appeals sections from the current 2000 USBC will be inserted here with only minor changes to correlate to the Virginia Maintenance Code. It is noted that the State Review Board has a pending code change recommending a rewrite of the appeals provisions. VAC section numbers 2160 through 2180 are reserved for the remainder of the appeals section.)

13 VAC 5-63-2190. Chapter 2 Definitions.

A. Change Section 201.3 of the IPMC to read:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Existing Building Code or the ICC Electrical Code, such terms shall have the meanings ascribed to them in those codes, except that terms defined in the Virginia Construction Code shall be used for this code and shall take precedence over other definitions.

B. Add the following definitions to Section 202 of the IPMC to read:

Structure unfit for human occupancy. An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment which is in such disrepair or condition that such equipment is determined by the code official to be dangerous to the health, safety and welfare of the occupants of a structure or the public.

Unsafe structure. An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

13 VAC 5-63-2200. Chapter 3 General Requirements.

A. Delete Section 302.1 of the IPMC.

B. Change Section 302.2 of the IPMC to read:

302.2 Grading and drainage. All premises shall be graded and maintained to protect the foundation walls or slab of the structure from the accumulation and drainage of surface or stagnant water in accordance with the Virginia Construction Code.

C. Change Section 302.3 of the IPMC to read:

Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the Virginia Construction Code shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702.

D. Delete Section 302.4 of the IPMC.

E. Change Section 302.5 of the IPMC to read:

302.5 Rodent harborage. (current language from 302.5 inserted)

F. Delete Sections 302.8 and 302.9 of the IPMC.

G. Change Section 304.14 of the IPMC to read:

304.14 Insect screens. During the period from April 1 to December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working conditions.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

H. Add Section 305.7 to the IPMC to read:

305.7 Lead-based paint. (current language from 304.7 inserted)

I. Change Section 307.1 of the IPMC to read as follows and delete the remaining provisions of Section 307:

307.1 Accumulation of rubbish and garbage. (current language from 305.1 inserted)

13 VAC 5-63-2210. Chapter 5 Plumbing Facilities and Fixture Requirements.

A. Add Section 505.5 to the IPMC to read:

505.5 Inspection and testing of backflow prevention assemblies. (current language from 505.5 inserted)

B. Add Section 505.5.1 to the IPMC to read:

505.5.1 Inspections. (current language from 505.5.1 inserted)

C. Add Section 505.5.2 to the IMPC to read:

505.5.2 Testing. (current language from 505.5.2 inserted)

13 VAC 5-63-2220. Chapter 6 Mechanical and Electrical Requirements.

A. Change Section 602 of the IPMC to read:

Section 602 Heating and Cooling Facilities.

B. Change Section 602.1 of the IPMC to read:

602.1 Facilities required. (current language from 602.1 inserted)

C. Change Section 602.2 of the IPMC to read:

602.2 Heat supply. (current language from 602.2 inserted, including the exception)

D. Change Section 602.3 of the IPMC to read:

602.3 Occupiable work spaces. (current language from 602.3 inserted, including the two exceptions, but with exceptions numbers not letters)

E. Change Section 602.4 of the IPMC to read:

602.4 Cooling supply. (current language from 602.4 inserted, including the exception)

F. Add Section 606.3 to the IPMC to read:

606.3 Inspection standard. (current language from 606.3 inserted, except abbreviation VCS used)